SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF )
CALIFORNIA, )
Plaintiff, )
-vs- ) No. 1133603
MICHAEL JOE JACKSON, )
Defendant. )

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, MARCH 21, 2005

9:13 A.M.

(PAGES 2801 THROUGH 2829)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 2801

1 APPEARANCES OF COUNSEL:
2
3 For Plaintiff: THOMAS W. SNEDDON, JR.,
4 District Attorney -and-
5 RONALD J. ZONEN, Sr. Deputy District Attorney
6 -and- GORDON AUCHINCLOSS,
7 Sr. Deputy District Attorney 1112 Santa Barbara Street
8 Santa Barbara, California 93101
9
10
11 For Defendant: COLLINS, MESEREAU, REDDOCK & YU BY: THOMAS A. MESEREAU, JR., ESQ.
12 -and- SUSAN C. YU, ESQ.
13 1875 Century Park East, Suite 700 Los Angeles, California 90067
14 -and-
15 SANGER & SWYSEN
16 BY: ROBERT M. SANGER, ESQ. 233 East Carrillo Street, Suite C
17 Santa Barbara, California 93101
18 -and-
19 OXMAN and JAROSCAK BY: R. BRIAN OXMAN, ESQ.
20 14126 East Rosecrans Boulevard Santa Fe Springs, California 90670
21
22
23
24
25
26
27
28 2802

I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

| PLAINTIFF’S WITNESSES | DIRECT | CROSS | REDIRECT | RECROSS |
|---|---|---|---|---|
| ABEL, Conn 2804-M (cont’d) | | | | |

Santa Maria, California
Monday, March 21, 2005
9:13 a.m.

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Good morning, everyone.
THE JURY: (In unison) Good morning.
MR. AUCHINCLOSS: Good morning.
THE COURT: Let's see, who was questioning.
MR. MESEREAU: I was, Your Honor.
THE COURT: Go ahead.
MR. MESEREAU: Thank you.

CONN ABEL
Having been previously sworn, resumed the stand and testified further as follows:

CROSS-EXAMINATION (Continued)
BY MR. MESEREAU:
Q. Good morning.
When we left off Friday, we were talking about the -- what appeared to be security-related equipment that you had found at Neverland, right.
A. Yes, sir, on Thursday.
Q. Oh, Thursday. That's right. Pardon me. 2804

1 And you indicated that you had not
2 personally tested the equipment, right.
3 A. That's correct.
4 Q. Have you tested it since we last spoke.
5 A. No, sir.
6 Q. And you may recall finding an investigate --
7 what appeared to be an investigator's card with the
8 equipment, correct.
9 A. Yes.
10 Q. Have you made any further efforts since last
11 Thursday to investigate whether or not that
12 investigator exists.
13 A. I have not, no.
14 Q. Okay. Have you discussed Thursday's
15 testimony with anyone in the last three days.
16 A. Yes, I have.
17 Q. Who did you discuss it with.
18 A. The -- Mr. Sneddon and the district
19 attorneys involved in this case.
20 Q. And when did you do that.
21 A. This morning.
22 Q. Okay. Where did that happen.
23 A. In the office upstairs at the District
24 Attorney's Office.
25 Q. And what time did you meet with the
26 prosecutors this morning.
27 A. I believe I was there at approximately ten
28 minutes to 8:00. 2805

Q. And how long did the meeting last.
A. Five minutes, maybe.
Q. And what prosecutors were present.
A. I believe they all were.
Q. So that would be Mr. Sneddon, Mr. Zonen, and Mr. Auchincloss.
A. Yes.
Q. Anyone else.
A. I believe Mr. Robel was also there.
Q. And you're telling the jury you discussed your testimony last week for five minutes.
A. Somewhere in that area, yes, sir.
Q. Okay. Who initiated the discussion.
A. I believe Mr. Sneddon did.
Q. And was the purpose of your meeting with him, as far as you knew, to discuss your testimony.
A. I -- yes.
Q. How did you know the purpose was to discuss your testimony.
A. I believe there was a question to ask -- that I was asked as to what I had said on the stand.
Q. And who raised that issue.
A. Mr. Sneddon.
Q. And what did he say to you.
A. He asked me, in reference to the security equipment that you had mentioned was involved in security, if I, in fact, believed it was involved in security. 2806

Q. So Mr. Sneddon asked you that or told you that.
A. He asked me that.
Q. Okay. And do you recall on Thursday, you said that you really didn't know if it was involved in security, correct.
A. Well, I think I said at one point that it could not be.
Q. You said you didn't know, right.
A. I don't recall saying that I didn't know.
Q. Well, do you remember you said, look, words to the effect, you hadn't tested it, you didn't know if you could purchase it freely, and you didn't know if it was used by an investigator, correct. Do you remember saying words to that effect.
A. I don't believe it was exactly phrased in that manner, no.
Q. I'm not suggesting it was exactly phrased. But you said words to that effect on Thursday, under oath, to the jury, true.
A. Possibly. I don't recall that.
Q. Okay. You indicated you found the equipment and then turned it over to someone, true.
A. Yes.
Q. Do you know if that equipment was ever fingerprinted.
A. No, sir, it was not.
Q. Did you ask -- excuse me, you say you know 2807

it was not fingerprinted.
A. No, I do not know if it was fingerprinted.
It does not appear that it was fingerprinted.
Q. Okay. Who told you that the prosecutors
wanted to discuss that equipment with you before you
testified today.
A. I don't believe anybody did.
Q. Well, that was the purpose of this morning's
meeting, right.
A. It was not -- it was not a meeting, sir. I
arrived early, just to be there for testimony today.
Q. Didn't you just tell the jury you had a
meeting for about five minutes with three
prosecutors and the issue of that security equipment
arose, true.
A. Do you want me to explain it.
Q. No, I'd like you to answer my question,
please.
A. We did have a meeting, yes.
Q. To talk about what you said about the
security equipment, right.
A. Yes.
Q. Who spoke at the meeting besides you and Mr.
Sneddon.
A. Mr. Zonen and Mr. Auchincloss.
Q. Did they talk about the security equipment.
A. I believe they did.
Q. Did they tell you anything about that 2808

security equipment.
A. No, sir.
Q. So they discussed it but they didn't tell you anything about it, right.
A. Yes.
Q. Did they just ask you questions.
A. I don't recall exactly what the content was. I know there was a discussion about what was in the case, and I explained what was in the case.
Q. Are you suggesting that neither Mr. Sneddon, Mr. Auchincloss or Mr. Zonen told you anything about that equipment in this morning's meeting, which took place approximately, I think, an hour and 20 minutes ago.
A. I don't believe anybody told me anything about it.
Q. Did you tell them anything about it.
A. Yes.
Q. What did you tell them about it.
A. I explained to them what was in the case, and I explained to them what I believed that equipment was utilized for.
Q. Did you tell them anything that contradicted your testimony last week.
A. I don't believe so.
Q. Was everything you said to them consistent with your testimony last week.
A. I believe so, yes. 2809

Q. Did you have any discussions by telephone with any of them since you testified last Thursday.
A. No, sir.
Q. Correct me if I'm wrong, but you remember events from November of 2003 but don't remember events from an hour and 20 minutes ago when you met with the prosecutors, right.
MR. SNEDDON: Object as argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Is your memory better about November of 2003 than it is about the meeting this morning.
MR. SNEDDON: Same objection.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you remember on Thursday you looked at some documents that were with that security equipment.
A. Yes, sir.
Q. And remember you began to recite for the jury on the record what was in those documents.
A. Yes.
Q. And do you remember there was some -- what looked to be a schematic dealing with what appeared to be an outline for a security system. Do you remember that.
A. It was for equipment, yes, sir.
Q. You didn't really answer my question, did you. 2810

A. No, you kept saying “security equipment,” and I think I referred that it could not be security equipment.
Q. Okay. It referred to videos and cameras, correct.
A. Covert cameras, yes, sir.
Q. It had various, what appeared to be either communication lines or transmission lines going between cameras, videos, et cetera, didn’t it.
A. Talked about clock cameras. Talked about fire alarm cameras.
Q. Right. And you don’t think blocked cameras or secret cameras are consistent with having an internal security system.
A. No.
Q. So you think internal security systems never have hidden cameras.
A. No.
Q. Did I hear that correctly, internal security systems never have hidden cameras.
A. Sir, I’ve never seen one.
Q. Never seen a hidden camera in an internal security system in a residence; is that correct.
A. I have never personally seen a hidden camera in a security system at a residence, no, sir, I have not.
Q. Okay. Are you aware that they exist.
A. No. 2811

Q. Okay. So the idea that someone in their
residence might have a security system with a camera
they don't want anyone to see is something you're
not aware of, right.
A. Sir, the only thing I can tell you is that
most -- every security system that I have observed
where there was a camera, it was visible.
Q. Have you seen any of those television shows
where parents will suspect a babysitter as doing
something to their child, so they'll have a hidden
video somewhere to see what's happening when they're
not home. Ever seen that.
A. Yes, sir, I have.
Q. Do you think that hidden video relates to a
concern for security with a child.
A. In that respect, yes, sir.
Q. Okay. But after last Thursday you did no
investigation at all into anything related to that
piece of evidence we discussed on Thursday, right.
A. No, sir.
Q. Okay. Did you check the cameras that
existed in the main house at Neverland.
A. Sir, I never saw any cameras in the main
house at Neverland.
Q. Okay. Did you look for them.
A. No, sir.
Q. Was it one of your responsibilities to look
for cameras like that. 2812

A. Well, I guess I could back up on that and say that when I was in the office area and when I was in the arcade area, cellar, et cetera, I did look around to see if there was cameras, but I did not observe any.
Q. Did you ever observe any hidden cameras that someone might install to see if, say, employees are stealing.
A. I have not personally seen that, no, sir.
Q. Are you aware of anything like that ever existing.
A. I'm sure it exists. I've just never seen one.
Q. Okay. And never really heard of one existing, right.
A. I've heard of them existing, yes, sir.
Q. You did undercover narcotics work for many years, didn't you.
A. Yes, sir.
Q. How many years did you do undercover narcotics work.
A. I would say a total of approximately ten years, sir.
Q. In your ten years doing undercover narcotics work, you never came across a situation where it appeared that people you were investigating were using hidden cameras to see who might be approaching a particular location. 2813

A. I don’t recall seeing or coming across hidden cameras. I recall seeing cameras on the outside of buildings and cameras on top of computers, et cetera, that would be looking outside to see if somebody was approaching, yes, sir.
Q. And in your estimation, were they part of what you’d call a security system.
A. I’d say that was security, sir.
Q. Are you aware of any department stores that have hidden cameras to see what people are doing with merchandise.
A. I believe most cameras that I’ve seen are pretty visible. I don’t recall seeing any hidden cameras involved in that.
Q. Never heard of that happening.
A. I can’t say I never heard of it. But I don’t recall specifically knowing that.
Q. Have you heard of it.
A. Yes, sir.
Q. Okay. Are you aware of any cameras that are sometimes hidden within clocks, someone can find out what went on at a particular area when they were not there.
A. No, sir.
Q. Never heard of that.
A. Only in that diagram you showed me.
Q. First time it ever entered your mind that there may be a camera hidden inside a clock as part 2814

of a security system.
A. That's the first time I had ever been aware of that, yes, sir.
Q. Okay. Are you an expert on security systems.
A. No, I'm not.
Q. Okay. Now, you went into an area that you described as the library at Neverland, right.
A. Yes, sir.
Q. And please tell the jury what you saw in that library area.
A. Well, there were rows like you would see in a library that had books stacked upright in them. There were boxes, numerous boxes, stacked throughout the library. There was a -- in the back area there was a little sitting area, had a chair, lamp, et cetera. Like I said, there was books and boxes cluttered throughout the entire library area.
Q. How many books do you think you saw in that library area.
A. Numerous. I mean, lots of books.
Q. There were books all over the place, right.
A. Yes, sir.
Q. And how big an area do you recall that library being.
A. I would only estimate that it may be 25 foot by 25 foot, thereabouts.
Q. There are thousands of books in that 2815

1 residence, aren't there.
2 MR. SNEDDON: Excuse me, Your Honor. I'll
3 object to the question. "Residence" versus what
4 he's talking about, another area. Assumes a fact
5 that he was ever in the residence.
6 THE COURT: All right.
7 MR. SNEDDON: That's my objection.
8 THE COURT: Foundation. Go ahead.
9 MR. MESEREAU: I can ask him that question.
10 Sure, Your Honor.
11 Q. Were you ever in the main residence at
12 Neverland.
13 A. No, sir.
14 Q. Never walked in once.
15 A. No, sir.
16 Q. Okay. Would it be, in your opinion, safe to
17 say that there are thousands of books in that
18 library area.
19 A. Several hundred, yes.
20 Q. More than that, right.
21 A. I -- I don't recall right offhand. It was a
22 lot of books in there. I couldn't tell you if it
23 was several hundred or thousands.
24 Q. Did you count them.
25 A. No, sir.
26 Q. Okay. You also said there were boxes of
27 books around, correct.
28 A. Yes, sir. 2816

Q. And did you also say there were bags of books around.
A. There were paper bags that had items in it. I don't recall if they contained books or not. There was also records, records in boxes. I don't recall what was in the bags especially, sir.
Q. And did you go through all the books that you saw in the library area.
A. No, sir.
Q. Did you at least try to get a look at the titles of all those books.
A. Not all of them, sir.
Q. Did you see a lot of books that referred to art.
A. I don't -- I don't remember seeing specific topics of what all of the books would equate to. I mean, there was books on virtually everything in there.
Q. And there are a lot of books on photography, correct.
A. As I say, I don't recall specific art, photography, or exact titles, no, sir.
Q. But you said -- you told the jury, I think, that every subject imaginable was there, right.
A. I guess that was just a summation on my part. There was books from -- there was numerous books on a lot of different titles.
Q. And did you see books on history. 2817

A. I can't tell you exactly that I did. I couldn't tell you that I didn't either.
Q. Did you see books on theater.
A. That would be the same answer. I mean, I saw a lot of books. But I don't remember exactly what they all were titled or referred to.
Q. Did you see books on painting.
MR. SNEDDON: Your Honor, I'm going to object as asked and answered. It's obvious there is no foundation.
THE COURT: Overruled.
THE WITNESS: I don't specifically remember books on painting. But as I said, I could not tell you that there wasn't books in there on painting.
Q. BY MR. MESEREAU: When you saw these boxes filled with books, what did you do with those boxes.
A. Well, for most -- as much time as we had, we went through as many books as absolutely possible. But we could not have gone through all of the books that were in that library area.
Q. Did you see a lot of bookcases.
A. Case -- I don't know exactly what you mean by "cases," sir.
Q. Well, let me explain. Did you see items of furniture that had shelves of books in those items of furniture.
A. That's what I was referring to when I first said there was rows of books scattered throughout 2818

the library. And I would estimate there was six, if not more, rows of books.
Q. Okay. And you didn't go through each row, correct.
A. There were three of us searching. Three of us kind of divided up the room. As the supervisor, myself, I went through pretty much each row. I looked at kind of some of the books. I looked at some of the boxes that had books in them. I went through some of the boxes, but I don't recall that I saw every title of every book in that library. It would have been be virtually impossible. There was just boxes -- I could not have opened all the boxes myself and personally look at them.
Q. To your knowledge, did somebody open all the boxes.
A. Yes.
Q. Were there specific instructions that those who were searching the library were to open boxes if they saw any.
A. I believe I told them, other investigators that were there, to make sure they looked through the boxes, open them and look through the boxes.
Q. Were some of those boxes unopened, as far as you know.
A. I -- I personally believe they had all been opened and looked at. Whether the investigators reclosed the boxes or not, I don't know. The boxes 2819

that I opened and looked at, I left open.
Q. Okay. But there are boxes that you actually opened, true.
A. Yes.
Q. There are boxes that appeared to have not been opened before, correct.
A. Before I arrived.
Q. Yes.
A. Yes.
Q. And did you note down where those unopened boxes appeared to have come from.
A. No.
Q. Did you notice that a lot of boxes appeared to be sent from foreign countries.
A. I did not notice that.
Q. Okay. Did you ever make any attempt to note where they appeared to come from, on any report.
A. No, sir.
Q. When you opened unopened boxes and looked through them, did you go through every book in those unopened boxes.
A. I can't say that I went through each book in every box that I opened.
Q. Okay. And if you saw a book you wanted to retrieve, you just took it out of the box, right.
A. I wouldn't phrase it that way.
Q. Let's take, for example, an unopened box that you found in the library. 2820

A. Yes, sir.
Q. You grab the box, right.
A. Yes.
Q. You look at it, right.
A. Yes.
Q. Doesn't appear to be opened by anybody, right. Right.
A. Now, when you say "unopened," when I talk "unopened," I mean that the lid was closed. I'm not saying that those boxes were sealed.
Q. Were any of the boxes sealed that you saw in the library.
A. Not that I recall.
Q. Okay. Do you recall ever opening an unsealed box. Pardon me. Let me rephrase that. Do you recall ever opening a sealed box.
A. No, sir, I do not. Most of the ones that I opened had -- the flaps were closed. They were overlaid, and I had to just open up the cardboard top on them.
Q. And you were the supervisor of this operation, correct.
A. Not of the operation, sir. Just of the library when I was there.
Q. Let me rephrase that. You were the supervisor of the search in the library, true.
A. Yes, sir.
Q. Did you give instructions to the people who 2821

were working with you what they should do if they found a box that was sealed.
A. Yes.
Q. What were your instructions, if anyone working under you found a box that was sealed.
A. To open it.
Q. And how were they supposed to open it.
A. However they could get the lid open. I don't recall. Like I say, I don't recall seeing one that was sealed that had to be opened. I don't know whether there was tape on it. I don't know how they had to open it.
Q. Okay. But you saw boxes stacked, correct.
A. There were boxes stacked everywhere.
Q. Okay. How many boxes do you think you saw stacked, if you can estimate.
A. Rough, 50.
Q. Fifty boxes stacked in the library.
A. Yes, sir.
Q. Would you -- would it be accurate to describe that library as messy.
A. Yes.
Q. And did the boxes appear to be stacked in any order.
A. No.
Q. They just seemed to be everywhere, right.
A. Yes.
Q. And you mentioned bags had books in them, 2822

right.
A. Yes.
Q. And typically where were the bags that you found.
A. Scattered throughout the library, in with the boxes, et cetera, up against the corners, on top of the boxes.
Q. Did you ever see any writing on the bags.
A. No, sir.
Q. Ever see any addresses on the bags.
A. No, sir.
Q. Did you find books that you retrieved in any of those bags.
A. No, sir.
Q. Did you find books you retrieved in any of the boxes.
A. Yes.
Q. Approximately how many of the books that you retrieved did you find in those boxes.
A. I believe there were two removed that I found, and that they were both in boxes.
Q. Now, you don’t know when these books were obtained, right.
A. By myself.
Q. By Mr. Jackson or anyone working for him, right.
A. No, I do not.
Q. You don’t know who placed those boxes in the 2823

1 library area, correct.
2 A. I do not.
3 Q. You don't know if Mr. Jackson did it or
4 someone working under him, right.
5 A. I do not.
6 Q. And you certainly don't know whether Mr.
7 Jackson permanently ever looked at all these books
8 you retrieved, right.
9 A. I do not.
10 Q. And you certainly are not a witness to any
11 child ever looking at them, correct.
12 A. No, sir.
13 Q. And you didn't ask that any of them be
14 fingerprinted, right.
15 A. I did not.
16 Q. And again, the dates you found these boxes
17 was when.
18 A. I believe we were there November 18th.
19 Q. Okay. Were you only there for the search
20 that day.
21 A. Yes, sir.
22 Q. Okay. Have you ever been back since.
23 A. No, sir.
24 Q. Okay. And as the person who was supervising
25 the search of the library, was there a point person
26 you were supposed to hand any books you retrieved
27 to.
28 A. Yes, sir. 2824

Q. Who was that.
A. That was Detective Cooley.
Q. Was he the only one that books you retrieved were handed to.
A. Well, I will clarify that -- what happened. Stuff was not arbitrarily handed to Mr. Cooley. When it was located, it was photographed, and then I instructed Mr. Cooley to obtain that item, the book, and take it as evidence.
Q. Okay. The books you retrieved did not appear to be illegally obtained, correct.
A. No, they did not.
Q. Okay. And you don't know as you sit here today whether the books you retrieved were either purchased or were mailed as gifts, correct.
A. I don't know.
Q. Okay. And if they were purchased, you don't know who purchased them, correct.
A. No, I do not.
Q. And you don't have any idea who even looked at them, if anyone did, right.
A. The day that we were there or before.
Q. Before you got there.
A. I don't know.
Q. Okay. Were any of the books you retrieved in boxes that appeared to be under other boxes.
A. That part I don't recall.
Q. Okay. You don't know one way or the other. 2825

A. I don’t know one way or another.
Q. Okay. So you don’t know if the books you retrieved that were in boxes were all found on boxes that were stacked on top or in the middle or on the bottom of the stack, right.
A. I could not tell you that, sir, no.
Q. And no effort was ever made to identify the actual location where any of these books were found, other than in the library, correct.
A. Just in the library, sir.
Q. Now, please tell the jury where the library is in relation to the main residence.
A. I’d say that the -- the arcade building, in my opinion, is north of the main residence. You walk -- you would have -- from what I recall, the main residence, you would come out what I would say the back area into a little garden area. There’s walkways, and then you would go north to the arcade.
You would enter the arcade. If you went straight ahead and through the door to the arcade, there was a stairway that went to the second floor. And then the library was on -- I believe, from what I recall, on the north wall of that second story.
Q. And how far away would you estimate is the library area from the main residence.
A. I would just -- an estimate -- I’m not real 2826

sure. Maybe 50 yards, 60 yards from the main residence.
Q. And to get into the library, do you go through any area that appears to be secured.
A. I don't know exactly what you're talking about in regards to that. I don't know what you mean by that.
Q. Let's say you want to walk into the building where the library is located. Okay.
A. Okay.
Q. To your knowledge, can anyone walk into that building or do you need a code.
A. That part I don't recall.
Q. How did you get in.
A. The door -- there's a doorway. And that door was unlocked.
Q. Okay. Did you see a lock on the door.
A. It was a doorknob. But I don't recall that it had a lock on it. It was like a regular house doorknob.
Q. Did you see any cameras anywhere that might detect anyone walking in the building.
A. Cameras I did not observe, no, sir.
Q. Did you search any area other than that building at Neverland.
A. Yes, sir.
THE COURT: Counsel. We're going to take our break right now. 2827

MR. MESEREAU: Okay.
(Recess taken.)

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE )
OF CALIFORNIA, )
Plaintiff, )
-vs- ) No. 1133603
MICHAEL JOE JACKSON, )
Defendant. )

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 2804 through 2828 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 21, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, March 21, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF )
CALIFORNIA, )
Plaintiff, )
-vs- ) No. 1133603
MICHAEL JOE JACKSON, )
Defendant. )

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, MARCH 21, 2005

9:13 A.M.

(PAGES 2830 THROUGH 2998)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 2830

1 APPEARANCES OF COUNSEL:
2
3 For Plaintiff: THOMAS W. SNEDDON, JR.,
4 District Attorney -and-
5 RONALD J. ZONEN, Sr. Deputy District Attorney
6 -and- GORDON AUCHINCLOSS,
7 Sr. Deputy District Attorney 1112 Santa Barbara Street
8 Santa Barbara, California 93101
9
10
11 For Defendant: COLLINS, MESEREAU, REDDOCK & YU BY: THOMAS A. MESEREAU, JR., ESQ.
12 -and- SUSAN C. YU, ESQ.
13 1875 Century Park East, Suite 700 Los Angeles, California 90067
14 -and-
15 SANGER & SWYSEN
16 BY: ROBERT M. SANGER, ESQ. 233 East Carrillo Street, Suite C
17 Santa Barbara, California 93101
18 -and-
19 OXMAN and JAROSCAK BY: R. BRIAN OXMAN, ESQ.
20 14126 East Rosecrans Boulevard Santa Fe Springs, California 90670
21
22
23
24
25
26
27
28 2831

I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES DIRECT CROSS REDIRECT RECROSS

ABEL, Conn 2843-SN 2849-M
URQUIZO, Anthony Joseph 2860-Z 2898-M 2957-Z 2963-M
WALLACE, Lauren 2967-A 2981-M 2990-A
PALANKER, Louise 2993-A

E X H I B I T S

FOR IN
PLAINTIFF’S NO. DESCRIPTION I.D. EVID.
49 Photograph 2995

THE COURT: You may proceed.
MR. MESEREAU: Thank you, Your Honor.
Q. Before the search, there was a meeting that took place of all of those involved in the search, correct.
A. Yes, there was.
Q. And you were all handed a memorandum which described some of the details of what was going to happen in the search, correct.
A. I can't say that I remember a memorandum, sir.
Q. It was called an operations plan, was it not.
A. There was an operations plan, yes, sir.
Q. And it was a printed operations plan that was distributed to people like yourself, correct.
A. Yes.
Q. Do you recall Michael Jackson being on the property when that search began.
A. That I have no idea about, sir.
Q. You never saw him, right.
A. No, sir.
Q. And you certainly never saw Michael Jackson around any of the equipment that you seized, correct.
MR. SNEDDON: Object as asked and answered, Your Honor.
THE COURT: I don't remember. 2833

Go ahead. You may answer.
THE WITNESS: I don't recall seeing Mr.
Jackson on that day at all, sir.
Q. BY MR. MESEREAU: Okay. So as you sit here
today, you don't know if Michael Jackson even knew
if the equipment you seized was even on the
property, correct.
MR. SNEDDON: Calls for speculation, Your
Honor.
THE COURT: Overruled.
You may answer. Do you want it read back.
THE WITNESS: No, sir.
It would be my opinion that he knew that
that was there.
Q. BY MR. MESEREAU: Oh, really. Let's explore
that a little bit. It's your opinion that Michael
Jackson had seen the equipment you seized.
A. Are you talking books, or the equipment that
was used to monitor phone calls, sir.
Q. The equipment that appeared to be capable of
monitoring phone calls. Tell us, tell the jury,
when you ever saw Michael Jackson looking at that
equipment.
A. I -- I can't say that I ever saw him looking
at it. It was in his office, sir.
Q. And tell the jury if you ever found his
fingerprints on that equipment.
A. I did not have the equipment fingerprinted, 2834

sir.
Q. And Mr. Jackson wasn't there that day, was he.
A. No, he was not.
Q. Tell the jury how many security personnel work at Neverland.
A. That I don't know, sir.
Q. You were told security is heavy at Neverland, correct.
A. I was told that there was heavy security, yes.
Q. Okay. And by "heavy security," what did you mean. What do you think it meant.
A. That there could have been several security personnel on scene, on the ranch.
Q. How many did you see.
A. I didn't see any.
Q. Didn't see any at all.
A. No, sir.
Q. Even from the time you went into Neverland.
A. I did not see anybody from security, sir.
Q. From Neverland security, right.
A. Yes, sir.
Q. Did you see a security shed as you entered.
A. At the gate -- at the gate, as you enter onto the property, yes, sir, there is a security gate with a security shed. Yes, sir.
Q. Okay. All right. Have you ever seen Mr. 2835

Jackson in that office area.
A. No, sir.
Q. Do you know how often Mr. Jackson is even in that office area on a typical day.
A. No, I do not.
Q. Okay. Is there any reason why you never called the name on that card that was found with the equipment.
A. Yes, sir.
Q. What's the reason.
A. That was not my responsibility. It was not part of my investigation.
Q. Okay. Okay. Do you know whether or not that card suggested that somebody came over with a proposal on what they could do with that equipment.
A. I neverg28374.
Considered that, no, sir.
Q. Okay. Do you know whether or not Mr. Jackson's even an expert on security systems.
A. I do not know.
Q. Okay. Let's get back to the library. You said the door was unlocked, true.
A. No, sir.
Q. What did you say.
A. You never asked me that.
Q. I never asked you if there was any security system to get into the library.
A. I don't believe you asked me that, sir. 2836

Q. Okay. I'll ask it now.
A. The door was locked.
Q. The door was locked.
A. Into the library, yes, sir.
Q. How was it unlocked, so you could get in.
A. Somebody from the ranch was escorted --
I believe was escorted on, and the door was opened.
Q. Did you watch them unlock the door.
A. No, I did not.
Q. So it was unlocked when you showed up to do
the search, correct.
A. Yes.
Q. Okay. Now, you went into the arcade area,
correct.
A. The library is a portion of the arcade, yes,
sir.
Q. Okay. How did you get into the arcade.
A. The front door -- that door I was talking
about was the front door into the arcade. That was
unlocked.
Q. Okay. Was it unlocked when you showed up to
the door to go in for the search.
A. Yes, sir.
Q. As you walk through the arcade area, did you
find that every door you wanted to go through was
unlocked.
A. No, I did not find that.
Q. Did you find that there was some locks that 2837

had to be unlocked.
A. Yes, sir.
Q. And you asked for a locksmith, didn't you.
A. I did not, no, sir.
Q. Would it refresh your recollection if I show you a police report that says you need a locksmith in the arcade.
A. It might, but I don't recall that we needed a locksmith.
Q. Might it refresh your recollection to show you the report.
A. Sure.
MR. MESEREAU: May I approach, Your Honor.
THE WITNESS: I still don't recall that we needed a locksmith, but I'll look at the report.
Q. BY MR. MESEREAU: Okay.
A. It does say, "Sergeant Abel needs a locksmith in the arcade," and that was at 1200 hours. And I believe I remember what that was in reference to now.
Q. Okay. So you've seen the report, right.
A. Yes, sir.
Q. Does it refresh your recollection about your needing a locksmith in the arcade.
A. Yes.
Q. And what did that refer to.
A. There was a locked box on the back of a door in the security -- not in a security -- there was -- 2838

if you went through the arcade, there was a storage area in the back of the arcade. And on the back of the door of that door to the storage area, there was a metal security box that I asked for a locksmith to come and open.
Q. Okay. You went into the wine cellar, correct.
A. Yes.
Q. How did you get down there.
A. There was a large jukebox-type arcade machine in the way. We moved that jukebox out of the way, went down the stairs to the bottom door where you would enter the cellar.
Q. Did you have to unlock the door in the wine cellar to get in.
A. I didn't. But it needed to be unlocked. It was locked.
Q. Okay. Do you know who unlocked it.
A. Somebody from the ranch, I believe.
Q. Okay. And as you testified, you found alcoholic beverages in the wine cellar, true.
A. In the kitchen area of the wine cellar, yes.
Q. Okay. Is that the only area you found alcoholic beverages.
A. No, sir.
Q. Where else did you find alcoholic beverages.
A. There was alcoholic beverages in the library. 2839

Q. Okay. What did you find -- excuse me, what alcoholic beverages did you find in the library.
A. There was a small bottle of -- I forget what name of the type of vodka that was on one of the racks that was open, and there was a small amount left in it.
Q. Okay. What did you do with that bottle.
A. I asked Detective Cooley to examine the bottle and see if it should be retained as evidence, and I left it at that point.
Q. Do you know if it ever was retained as evidence.
A. It was not.
Q. Okay. Do you know why.
A. I don't know why.
Q. Do you know if anybody ever tried to fingerprint the bottle.
A. I do not know.
Q. Do you know if anybody tried to fingerprint any of the bottles that you found.
A. I do not recall that anybody tried to fingerprint any of the bottles, no, sir.
Q. And did you ever request anybody try to fingerprint any bottles that you located.
A. No, sir.
Q. Okay. You talked about going into an area called a museum, right.
A. I believe I said it was a museum/office 2840

where Mr. Jackson -- it was a combination. I'm not sure exactly what it was called. It was called --
Q. What made you --
A. That night we called it both the office and the museum, and then it referred to the office.
Q. What made you refer to that area as a museum.
A. It had statuettes, figures. It had a lot of memorabilia in -- as you walked through a door, there was an open area -- not an open area. It was an area where there was a lot of statues, memorabilia, et cetera, in that area. And then it entered into a hallway and back to what appeared to be an office area.
Q. And how big an area was the museum.
A. Just a rough estimate was 20 foot by 20 foot, maybe.
Q. And you're calling the museum the office; is that true.
A. Yes.
Q. And it goes without saying, when you told the jury "his office," you were also telling the jury "his museum," correct.
A. I think I said that, but, yes.
Q. Okay. You used the words interchangeably, correct.
A. Yes.
Q. If you call it an office, is it a pretty big 2841

1 office.
2 A. The office area that I recall that was on
3 the back of the museum was a pretty big office area,
4 yes, sir.
5 Q. And when you refer to statues, are you
6 talking about big statues.
7 A. They were life -- life-sized. Lifelike,
8 life-sized, yes.
9 Q. And lots of them, right.
10 A. You know, there was quite a few. Looking
11 through there, you had to walk around them and be
12 careful that you didn't knock them over. So there
13 was some in there, yes, sir.
14 Q. You don't know if other individuals besides
15 Mr. Jackson entered or used that area, true.
16 A. I don't know.
17 Q. Okay. And nobody ever checked to find out,
18 correct, to your knowledge.
19 A. That would have been another part of the
20 investigation. I had no part in that.
21 Q. Okay. Okay. Did you videotape the areas
22 you searched.
23 A. I personally did not, but I had them
24 videotaped.
25 Q. Okay. Did you have the items you seized
26 videotaped.
27 A. I'm not sure if those items were exactly
28 what you call videotaped. There was a videotaping 2842

of the premises that were searched prior to the search and after the search. During the search, the items that were received were photographed.
Q. Okay. Now, in the area that you called the museum and the office, you saw various televisions, correct.
A. There were -- I'm not sure if you would classify them exactly as televisions, but there were large television-type screens, plasma-type television screens. There was several of them, yes, sir.
Q. You can see them actually from outside the building, can't you.
A. That part I don't know.
Q. Okay. Where did you first see them.
A. In that -- what I call Mr. Jackson's office area.
MR. MESEREAU: Okay. All right. No further questions, Your Honor.
THE COURT: Redirect.
MR. SNEDDON: Yes.

REDIRECT EXAMINATION
BY MR. SNEDDON:
Q. Detective Abel, you've been asked a lot of questions by Mr. Mesereau about camera security equipment. I want you to take a look again at People's 717. All right. 2843

A. Yes, sir.
Q. The equipment that's in that particular case, does it relate to cameras or does it relate to telephone monitoring equipment.
A. The majority of the equipment that's in there refers to or is associated with telephone monitoring equipment.
Q. Okay. And I'm not talking about the paperwork. I'm talking about the actual equipment itself.
A. There is one small cigarette lighter that has also a camera in it that is also in a package inside there.
Q. Okay. So except for that small little camera inside of a -- what did you call it, a cigarette lighter.
A. It's a camera disguised as a cigarette lighter.
Q. Other than that, everything else in there deals with telephonic monitoring; is that correct.
A. Telephonic and remote, covert microphones to monitor conversations, yes.
Q. Now, with regard to the telephone monitoring system itself, are you familiar with whether some of that equipment can be voice-activated.
A. Yes, it can.
Q. Tell the jury what it means to voice-activate a telephonic monitoring system. 2844

A. It would mean that the tape-recorder that is inside the case would -- it could be set to run continuously or to only run when there is voice conversation. Voice-activated.
Q. Now, you indicated I think in your testimony both to Mr. Mesereau and before, there are items in there called alligator clips; is that correct.
A. Yes, there are.
Q. Now, with regard to the monitoring or the taping of telephone conversations, how does an alligator clip work. Where is it -- what is it affixed to.
MR. MESEREAU: Objection; foundation.
THE COURT: Just a moment.
MR. MESEREAU: I think he said he's not an expert, Your Honor.
THE COURT: Are you asking him about generally or about this equipment.
MR. SNEDDON: This equipment, Your Honor. And particularly telephonic. Not security systems in general, which is what I think Mr. Mesereau asked.
THE COURT: All right. I'll allow the question as to this piece of equipment.
THE WITNESS: Are you asking me what the alligator clips are attached to now or what they could be.
Q. BY MR. SNEDDON: Well, they're not attached 2845

to anything in there right now, are they.
A. They're attached -- well, the clips themselves are not. The other end of them is.
Q. What are they attached to.
A. Looks like it's a four-pronged device that I associate with a telephone that has four prongs on it --
Q. I'll tell you what, let's stop right there. Open up the case and show us what you mean. It's probably easier than to have you do it with your fingers.
A. There's a plastic bag, Ziploc plastic bag inside the case, with some batteries, different-sized batteries. There's an electrical plug device.
And then there's a phone cord that would attach to a phone receptacle. And this just pops off, but it was on here. And it has alligator clips on there.
And then these two were not attached to anything. These are alligator clips inside that open up.
Q. And how do the alligator clips work in connection with the taping of conversation or monitoring.
THE COURT: All right. Your objection was that he's not qualified to --
MR. MESEREAU: That's correct, Your Honor. 2846

THE COURT: All right. I'll sustain that objection.
MR. SNEDDON: I was just laying the foundation.
Q. In your -- in your role as a narcotics investigator, were you trained with regard to electronic surveillance.
A. Yes, sir.
Q. And in particular with regard to telephonic surveillance, telephonic monitoring.
A. Yes, sir. I was instructed by the Department of Justice, State of California, on wiretap investigations.
Q. And how many such investigations have you done.
A. I've been associated with three of those type investigations.
Q. And this is where individuals who are suspects of criminal activity had their individual telephone calls monitored.
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, sir.
Q. BY MR. SNEDDON: Based upon your training and your experience, can you tell the ladies and gentlemen of the jury, in your opinion, how are those alligator clips used to monitor or tape 2847

telephone conversations.
MR. MESEREAU: Same objection, Your Honor.
THE COURT: Overruled.
You may answer.
THE WITNESS: The alligator clips on the
bottom end could be utilized in what you call a
phone junction box to clip onto the connections for
the telephone.
Q. BY MR. SNEDDON: And to your knowledge, is
that activity legal in California.
A. No, it is not.
Q. All right. I just have one last question.
Mr. Mesereau asked you why you think that
Mr. Jackson knew that that equipment was -- that he
knew about that equipment. And you answered you
thought he did. What was the basis of your opinion.
A. Um --
MR. MESEREAU: It's been asked and answered,
Your Honor.
THE COURT: Overruled.
You may answer.
THE WITNESS: It was in his office with --
where the majority of items that I believed belonged
to him were.
There were allegations that the family
involved was concerned that their phone calls while
they were at Neverland Ranch were being monitored.
MR. SNEDDON: All right. Nothing further, 2848

1 Your Honor.
2 THE COURT: Recross.
3
4 RECROSS-EXAMINATION
5 BY MR. MESEREAU:
6 Q. Do you know whether or not Mr. Jackson has
7 ever had concerns that his children might be
8 threatened or kidnapped at Neverland.
9 A. I do not.
10 Q. Do you know anything about threats by
11 anybody around the world to ever do that to Mr.
12 Jackson or his children.
13 A. I can't say personally I know about that,
14 no.
15 Q. When you went into Neverland to search, did
16 you have any understanding of any security measures
17 Mr. Jackson has ever used to protect he or his
18 family.
19 MR. SNEDDON: Your Honor, I'm going to
20 object as beyond the scope of redirect. My
21 redirect -- well, I won't --
22 THE COURT: Sustained.
23 Q. BY MR. MESEREAU: Now, you just told the
24 jury about alligator clips, correct.
25 A. Yes, sir.
26 Q. Did you discuss alligator clips with
27 Prosecutor Sneddon, Prosecutor Zonen and Prosecutor
28 Auchincloss at your meeting this morning. 2849

A. Yes.
Q. Why didn’t you tell that to the jury when I was asking you questions.
A. When. Today, or yesterday -- or Thursday.
Q. Today. Remember I asked you about the meeting you had, and you started off by saying it was only five minutes.
A. Yes, sir.
Q. Remember I asked you what was discussed.
A. Yes, sir.
Q. Why didn’t you tell the jury you discussed alligator clips with these prosecutors for the government.
A. Well, I think you asked me if there was questions and a discussion, and I think what I was referring to was a discussion we had back and forth. I discussed with -- earlier today, I indicated to them that there was that device in the case. There was no question that they asked me about it. I just indicated that it was in there.
Q. When you had your meeting this morning with the three prosecutors for the government, did you discuss the camera inside the lighter.
A. No, I did not.
Q. What else did you talk to them about in this five-minute meeting.
A. I don’t recall that we discussed much more than what I have explained. 2850

Q. Did you just suddenly remember it.
MR. SNEDDON: Your Honor, I'm going to object as argumentative.
MR. MESEREAU: I'll withdraw the question.
Q. Do you consider yourself an expert on how this particular piece of equipment is utilized.
A. I would say that I'm familiar with it, but I'm not an expert on it, no, sir.
Q. Have you ever used this equipment yourself.
A. This equipment.
Q. Yes.
A. No, I have not.
Q. Have you ever repaired equipment like that yourself.
A. No, I have not.
Q. Have you ever installed equipment like that yourself.
A. No, sir.
Q. Now, last Thursday, you weren't sure whether that equipment could be purchased lawfully by any citizen. Remember that.
A. Yes.
Q. Have you done any research on that area since last Thursday.
A. Yes.
Q. Why didn't you say that this morning when I asked you if you'd investigated any further what you talked about last Thursday. 2851

A. It was an Internet search. And I should have said it, but I didn't, yes.
MR. MESEREAU: Okay. May I approach, Your Honor.
THE COURT: Yes.
MR. MESEREAU: Thank you.
May the record reflect that I'm looking at the documents that are contained in this -- with this piece of equipment that were discussed last Thursday.
THE COURT: All right.
MR. MESEREAU: Thank you, Your Honor.
Q. Since you testified last Thursday, have you reviewed the documents that were found with this equipment.
A. No, sir. They've been in this case.
Q. Did you review them this morning.
A. No, sir.
Q. Did you discuss them with the prosecutors this morning.
A. I believe we just discussed the -- I believe I explained to them what I thought that the diagram was referring to, that you have in your hand there, regarding the cameras in the clocks and the cameras in the smoke alarm, et cetera.
Q. You talked to the prosecutors about that this morning.
A. I think I may have mentioned it. 2852

Q. And did you discuss the document that's titled "Video Surveillance System with Audio".
A. I believe I mentioned it, yes.
Q. To the prosecutors this morning at the meeting.
A. Yes.
Q. Did you mention to them the reference to "clock video camera".
A. I believe I mentioned that the -- there was -- that the diagram had and mentioned the clock, the small alarm, and the reference to infrared.
Q. Did you think this all related solely to a telephone monitoring system.
A. I didn't believe that related to a telephone monitoring system.
Q. What do you think it relates to.
A. A covert surveillance system used to videotape, would be any room that it would be set up in.
Q. It talks about miniature cameras in that document, correct.
A. I'd have to look at it again. I don't know for sure.
Q. It talks about transmitters, correct.
MR. SNEDDON: I'm going to object as beyond the scope of direct -- redirect.
THE COURT: Overruled.
You may answer. 2853

Q. BY MR. MESEREAU: Right.
A. Ask me that again.
Q. Let me rephrase the question. I withdraw that.
Did you and Prosecutor Sneddon meet this morning and discuss that -- discuss your testimony at all.
A. Yes.
Q. Did you discuss what you were going to say this morning in response to Prosecutor Sneddon's questions.
A. No.
Q. Did you discuss this idea that you were going to limit your answers to, for lack of a better word, a telephone monitoring system.
A. There was no discussion about that at all, sir.
Q. Okay. And when did you last look at these documents that you found with that piece of evidence.
A. It would have been last Thursday during the testimony.
Q. Are you telling the jury that, based upon your background, training and expertise, that piece of equipment only relates to a telephone monitoring system.
A. Yes.
Q. Are you telling the jury that it doesn't 2854

have any relationship whatsoever to a video surveillance system.
A. Not the equipment in here, sir.
Q. Have you ever used equipment like that.
A. Yes, I have.
Q. When did you last use it.
A. It would have been several years ago, but I have used it.
Q. When you found that equipment with an investigator's card and with documents that appeared to scheme out a video-monitoring system and an audio-monitoring system, did it ever occur to you that someone may have been discussing different types of surveillance systems with respect to that equipment.
A. I -- I never believed that, no.
Q. Did you see the document that said "Video Briefcase Surveillance System with Audio". Did you see that.
A. Yes.
Q. What do you think that refers to.
A. I'd have -- just by the wording, it would be that somebody could utilize the equipment in that briefcase to covertly tape-record and/or monitor conversations.
Q. When you saw the schematic that says "Video Surveillance System," did it occur to you somebody may have been making a proposal for a video 2855

surveillance system.
A. That was not a consideration that I had, no, sir.
Q. When you saw another document that's entitled "Remote Room Audio Monitor" with prices and with schematics, did it ever occur to you that somebody may have been making some proposals for a room audio-monitoring system.
A. You keep mentioning the word "proposal," but I never considered that that was a proposal, sir.
Q. When you saw a document that gave a price list for "Portable Electronic Surveillance Countermeasures Kit," did it ever occur to you that somebody might be making a proposal for the purchase of a Portable Electronic Surveillance Countermeasures Kit.
A. As you say, "proposal," I never considered that, no, sir.
Q. So just putting two and two together, an investigator's card, a piece of evidence like that, and all of this material dealing with various surveillance systems, it never even entered your mind that somebody might have been trying to present or sell surveillance systems.
A. No, it was my opinion that this equipment had been purchased possibly from Mr. Lupori by Mr. Jackson and retained and possessed by Mr. Jackson to utilize. 2856

Q. Ever see a purchase receipt.
A. I can't say that there's a purchase receipt, but there are figures and there is what appears to be a copy of a receipt, a tape -- or a register-type receipt on there.
Q. Okay. Did you see also register receipts for a Portable Electronic Surveillance Countermeasures Kit.
A. You'd have to show me all that again. I'd have to look at it.
MR. MESEREAU: May I approach, Your Honor.
THE COURT: Yes.
THE WITNESS: Yes, sir.
Q. BY MR. MESEREAU: Have you had a chance to look at that document.
A. Yes.
Q. Does it appear to have a price list on it.
A. Yes, it does.
Q. Does it appear to have a typed receipt on it.
A. Yes.
Q. Does it say at the top "Portable Electronic Surveillance Countermeasures Kit".
A. Yes.
Q. Are you saying, after looking at that document, it didn't occur to you that maybe somebody was purchasing a security system at Neverland.
A. I never considered it to be a security 2857

system.
Q. Well, why would you look at a document that says “Telephonic Taping System” with a receipt, and tell the jury you thought that was being purchased, and at the same time look at a separate document that says “Portable Electronic Surveillance Countermeasures Kit,” which also has a receipt, and not tell the jury you had the same reaction; somebody was buying security system equipment, true.
A. They were buying -- that would have been for countermeasures to make sure that they weren’t being covertly monitored.
The other one goes along with purchasing for covert monitoring and/or tape-recording.
Q. What about the Video Briefcase Surveillance System. That’s got figures on it also, doesn’t it, that document.
A. Yeah, I would have to look at it again. I don’t know for sure.
Q. Sir, the bottom line is, you just saw what you wanted to see, right.
MR. SNEDDON: Object as argumentative, Your Honor.
THE COURT: Sustained.
MR. MESEREAU: No further questions, Your Honor.
Can I just return these documents to the exhibit. 2858

THE COURT: Yes, you may.
Anything further from you.
MR. SNEDDON: No. No.
THE COURT: All right. You may step down.
Secure that exhibit first, please.
THE WITNESS: Yes, sir. The document
just --
THE COURT: Yeah. Do you want to give him
the documents so he can put them in.
MR. SNEDDON: Yeah.
THE COURT: Call your next witness.
MR. ZONEN: Call Dr. Anthony Urquiza to the
stand, please.
THE COURT: Come to the front of the
courtroom, please. When you get to the witness
stand, please remain standing. Face the clerk here.
And raise your right hand.

ANTHONY JOSEPH URQUIZA
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and
spell your name for the record.
THE WITNESS: My name is Anthony Joseph
Urquiza. The last name is spelled U-r-q-u-i-z-a.
THE CLERK: Thank you.
// 2859

1 DIRECT EXAMINATION
2 BY MR. ZONEN:
3 Q. Dr. Urquiza, all of the witnesses have so
4 far been admonished that you have to stay as close
5 as possible to that microphone or you won't be heard
6 throughout the courtroom.
7 A. All right.
8 Q. What is your current occupation.
9 A. I have a couple of titles. I am a
10 psychologist licensed in the State of California.
11 I am Director of Mental Health Services at
12 the Care Center, which is a child abuse treatment
13 program, child physical abuse, sexual abuse
14 treatment program in Sacramento, California.
15 And I am Associate Professor in the
16 Department of Pediatrics at the University of
17 California Davis Medical Center.
18 Q. Are you on the faculty.
19 A. I am on the faculty, yes.
20 Q. Tell us about the Care Center. What is
21 that.
22 A. The Care Center is a medical and mental
23 health treatment agency which provides services --
24 trying to remember to do the microphone -- which
25 provides services specifically for children and
26 families in which there has been some type of abuse,
27 either physical abuse, sexual abuse, or neglect.
28 We provide services, at least on the mental 2860

health side, to about 400 children and families in any given week.
Q. Is the clinic in association with the University of California.
A. It is part of the University of California, yes.
Q. And located where.
A. In Sacramento.
Q. Doctor, what are your qualifications to hold that position.
A. As I said earlier, I'm licensed in the State of California. I am a psychologist. And I have three degrees that I have earned to enable me to identify myself as a psychologist.
Q. What are those degrees.
A. I have an undergraduate degree in child development. I have a master's degree in clinical psychology, and a doctorate, or a Ph.D., in clinical psychology.
Q. How long have you held the position you currently hold.
A. I started in January of 1990. So 15 years, approximately.
Q. And how long have you been a psychologist.
A. About 1988. It was around 1988. I don't remember the exact year.
Q. And how long have you been working in the child care field, particularly mental -- care for 2861

children with some form of disability or children who have been abused.
A. Well, that's two parts. The disability part actually goes back to the mid '70s. I started working with children in the mid '70s. But I made a decision to work and to focus my career specifically on the issue of child abuse or child maltreatment somewhere around 1982, 1983. And then I entered graduate school in 1983.
Q. If you can, tell the jury your history, beginning with that period of time back in the '70s when you first started working in this field, and give us a brief summary of your career from that time.
A. Sure. For a long time I've worked in the area -- or with children. Again, going back to about 1973.
Around 1979, I took a position at Children's Hospital in Seattle on their in-patient psych unit where children with significant and serious mental health problems were admitted to that hospital for diagnosis and treatment.
I realized there that one of the big common denominators of kids who had serious mental health problems was this history of maltreatment in their childhood or in their lives.
And so around that time, in -- roughly from about 1980 to '83, I decided that that was going to

be a career goal for me, and so I applied for it and entered graduate school at the University of Washington.

It's -- the program that I was in was a combination of a clinical program where they teach you to be a therapist or an evaluator; a research program, where they teach you to do the research in a particular area, and my research was in child abuse; and teacher or faculty somewhere.

And so I graduated around 1988. I had a brief teaching position in the Department of Family Studies at San Diego State University.

And then in 1990, I assumed the position of being responsible for all of the mental health services at the Care Center, which again is within the Department of Pediatrics at UC Davis Medical Center and have held that position since 1990 to current.

Those three things, research, teaching and clinical practice, I have been doing continuously, actually since I started entering graduate school, although the treatment of children I stopped a couple of years ago. The reason being was that in order to see treatment of -- children in treatment, you need to be able to make a regular appointment with them every Thursday at four o'clock, and my schedule really prevented me from doing that. I didn't think it was fair to the children that I was 2863

providing services to.
But I continued to evaluate children, and
probably over the course of my career have seen
several thousand children in therapy or in
evaluation.
Q. Now, your current position is director of
this clinic; is that correct.
A. Director of mental health services, yes.
Q. What does that mean. What do you do.
A. Well, a portion of my job is administration.
A portion of my job is research. But the bulk of my
responsibilities are overseeing the mental health
services, which is psychological treatment or
evaluation of my staff. And the staff is about 45
or 50 people that I'm responsible for.
And so sometimes I provide direct services.
Again, no longer therapy, but I continue to evaluate
children and families. Sometimes I provide direct
supervision; that is, I have some staff people who
are seeing clients, and my job is to supervise them.
And then a portion of my responsibility is
to supervise my supervisors. So it's sort of a
second level where I supervise about six of my staff
who then provide supervision for direct front-line
service.
Q. Doctor, you tell us you also do research and
have continued to do research. What does that mean.
A. One of the -- and I can answer that specific 2864

to my field, which is child abuse and family violence.
One of the things that we have been trying to do is to move knowledge forward with some empirical or research foundation. And so typically it means undergoing a methodological process where we acquire data, we analyze those data, and we make some determination or interpretation of the data.
Then the last part of it is we write the results up and submit it for publication in a book or a journal.
Q. And have you done publications in the course of your academic career.
A. I do. I have.
Q. Can you give us a sense of what that involves and how many publications, the nature or the type.
A. I don't know exactly how many. I'd say 35 to 45 publications, at least. That's an estimate. I don't keep track of that. And they're all -- or mostly on issues of child abuse. Some of the areas -- well, there's been an overriding theme to the research that I do.
One of the things that happens with a child who's been abused is that it has a disruption in their capacity to have positive and healthy relationships as they grow older.
MR. MESEREAU: Objection; nonresponsive. 2865

MR. ZONEN: It's about the nature of the publications.
THE COURT: Sustained.
Q. BY MR. ZONEN: Can you tell us if there is a common theme to the publications that you have written.
A. Yes.
Q. And what is that.
A. This issue of relationships, which is fundamental to healthy development in children, is disrupted when children are physically or sexually abused or neglected. And so that has been the common theme: In what way does sexual abuse or physical abuse or neglect impacted -- or impact their developing capacity to have satisfactory relationships in adolescence, peer relationships, even into adulthood in being able to have satisfactory marital relationships. That has been a consistent theme.
I've also been interested in methodological issues, how to conduct good research related to child abuse.
And I've also been very interested in ethnic minority issues as they apply to different types of child mental treatment.
Q. You teach as well, do you.
A. I do, yes.
Q. And where. 2866

A. Within the Department of Pediatrics and usually within the Care Center. But I think teaching encompasses more than -- I should back up a little bit.
I don’t teach in a classroom setting. I used to when I was at San Diego State.
I now teach people to be psychologists or social workers, to be professionals. And so I teach in the capacity of supervision, seminars, training.
I also teach in workshops, in conferences that are beyond the medical center and throughout the United States and sometimes even internationally.
Q. And do you deliver papers in conjunction with those lectures.
A. I do, yes.
Q. And what types of papers are we talking about.
A. Pretty much the same as the research publications: The effects of abuse on children, the impact abuse has on developing relationships.
Again, issues of methodology, as well as the impact of abuse on people of color.
Q. I think that you had said earlier that you have seen perhaps a thousand children or more in the course of your career.
A. Who have been abused.
Q. Yes.
A. Probably -- certainly more than a thousand 2867

children who have been abused. Several thousands who have been either physically abused, sexually abused or neglected during the course of my life that I have provided service to. That would be much larger when you incorporate people that I supervise. But for direct service, certainly a few thousand people.

Q. What percentage of them, in your opinion, are victims of child sexual abuse.

A. That I have seen.

Q. Yes.

A. I'd say at least a third. I mean, I'd say -- again, I don't keep numbers as to how many, but I'd estimate maybe a thousand children, or at least a thousand children that I have provided service to, either therapy or evaluation, during the course of my career.

Q. All right. You've been at the University of California and it's at Davis; is that correct.

A. Well, it's University of California Davis Medical Center. The medical center itself, the teaching classrooms where you go to learn to be a doctor, is in Davis. But the medical center where you actually practice is in Sacramento.

Q. And you've taught at other universities or state colleges prior to that.

A. As I said earlier, I've taught at San Diego State University. And I taught at the University of 2868

Washington as a graduate student.
Q. And how long have you been in association with the University of California at this point.
A. About 15 years.
Q. Doctor, have you ever been appointed by the Court to be an expert in any type of court matter.
A. Yes.
Q. Have you ever testified in conjunction with those appointments.
A. Yes.
Q. All right. What types of appointments do you receive and have you received by the Court over the years.
A. In juvenile court I have been appointed usually through court order by a Judge to evaluate some aspect of a case that's in the child welfare system. Child welfare being children who are either part of the foster care system or entry into or exiting the child welfare system.
So I'm appointed by the Court, and then usually asked to do an evaluation to answer a question that the Court may need, and then afterwards to testify about that case in court.
Q. What types of cases would you typically be appointed to. What types of issues do you address.
A. Issues of parental competency, issues of placement for a child who's been abused. Issues of adoption, graduation out of foster care system. 2869

Certainly issues related to how to manage a child who has some type of severe psychopathology that is difficult to address.
Q. Have you ever been retained by either the prosecution or the defense in criminal proceedings dealing with allegations of child sexual abuse.
A. I have, yes.
Q. Can you give us a sense of how many times you've been retained by either side.
A. Again, an estimate would be about 85 times for a criminal matter.
Q. All right. Can you tell us what percentage of that you're retained by the prosecution, what percentage by the defense.
A. Most of that has been for the prosecution. Probably be about four or five times that I have been -- that I've actually testified for the defense. Although I'm contacted by the defense, probably only four or five times that I have actually gone to court and testified for the defense.
Q. All right. When you're testifying on behalf of the prosecution, do you ever address the issue of Child Sexual Assault Accommodation Syndrome.
A. Yes.
Q. And have you been asked to do that on this occasion here today.
A. That's my understanding, yes. 2870

Q. Tell us, what is Child Sexual Assault Accommodation Syndrome.
A. Sure. That syndrome is really a phrase that's the title of an article or coined in an article by a man by the name of Roland Summit, who is a psychiatrist I believe at the University of Southern California. It was published quite some time ago, in 1983, in their Journal of Child Abuse and Neglect.
The reason he wrote this article was specifically for therapists who would be treating children who are sexually abused to dispel any misperceptions or myths that they had, so they would be better able to understand what really happened with children who are sexually abused and then to be able to treat them better.
The Child Sexual Abuse Accommodation Syndrome has five parts or components. I'll just identify them. They are a sense of secrecy, helplessness, delayed -- I'm sorry, entrapment and accommodation, delayed and unconvincing disclosure, and then the last one is retraction.
Q. Tell us what the first one means, secrecy.
A. In order to understand the concept of secrecy, actually in order to understand how children respond to being sexually abused, it's important to understand the context in which abuse occurs, and the context is a relationship between a 2871

perpetrator and a victim.
One of the misperceptions that occurs or
myths that occur with sexual abuse is that children
are sexually abused by somebody who they don't know.
That's just not the case. Most children -- by far,
most children are sexually abused by somebody with
whom they have an ongoing relationship, not a
stranger.
That's important because it sets up the
dynamics for this issue of secrecy. Children tell
us, and the research supports, that there is usually
some type of mandate imposed upon the child to keep
them quiet about the abuse; hence, the term
"secrecy."
This mandate can be something like a threat,
threat of physical aggression or threat of coercion
of some type. It can also be special attention,
special favors, bribes. And it can also be
misinformation or informing the child of the bad
consequences that would occur should they disclose
all part of this mandate or this coercion meant to
keep kids quiet so they don't disclose. What
Dr. Summit said, that that is a part of this idea
called secrecy.
Q. Explain to us how special attention or
favors somehow translates to secrecy.
A. With sexual abuse, you don't have to
physically assault a child to molest them. In fact, 2872

that happens fairly infrequently. Coercion and manipulation is probably a much more effective strategy.
And what kids tell us happens is that a relationship is established between them and the perpetrator. It may be a very positive, fun, enjoyable relationship, in which the child is put in a position where they like, or in some cases, especially in an interfamilial situation, an incest situation, they may actually love the perpetrator. And then that is supported by things like special attention, favors, doing special things or activities with the child, all aimed at creating an environment where the child will feel very positively, very warmly, very affectionately toward the perpetrator.
Q. Helplessness, the second one, what does that mean.
A. Helplessness -- it's easier to start with the misperception.
Q. Yes, please.
A. The misperception is if you're a child and you're sexually abused, you're being sexually abused, that you will be able to fend off the perpetrator. You'll be able to do something to protect yourself so that you won't be abused. And that just doesn't happen. We are not -- the research actually shows quite clearly when 2873

children are presented with a perpetrator who is bigger, stronger, more worldly, has more resources, that they are not able to fend off and protect themself, and the phrase that I usually use is “to ensure their own sexual safety.” They’re not able to keep themself from being sexually abused.
Q. Do children understand a need to do that.
A. I’m not sure I understand your question.
Q. Well, you said that they’re not equipped to do that. Does that mean that they understand at the time that they actually need to do that.
A. To protect themselves.
Q. Yes.
A. Well, depending upon the age, they may not fully appreciate the inappropriateness of the sexual activity between them and the perpetrator. Or they may be vulnerable to distortions, or lies, or miscommunication, or maybe misinformation on the part of the perpetrator; that this is okay, or this behavior is okay within the context like, “You and I can do this, but we’re not supposed to tell anybody else,” giving the child the impression that, you know, “I can’t tell anybody, but maybe this is not such a bad thing.”
Q. Number three, I think you said entrapment accommodation. Tell us what that means, please.
A. It’s two parts. The -- and it’s two parts because in the entrapment part, if you’re a child 2874

who's being sexually abused, and you can't tell anybody about it, that's the secrecy. And you can't do anything about it to stop yourself from being victimized, that's the helplessness sense. And then you're stuck. You're trapped. Dr. Summit uses maybe a fancier word of "entrapment."
And the reason why that's two parts is, if you're in that situation and you can't do anything about it, then what do you do. Hence, the word "accommodation."
I think an easier word than "accommodation" is "coping." Kids learn to cope with the experience of being sexually abused because they have no other alternative. They have to learn how to manage the feelings that they have about their victimization, and those feelings can be really difficult. Those include shame and embarrassment, humiliation. Sometimes they will be traumatized. All of those are very difficult to manage, and that's part of what the accommodation process does is enable the child to manage a difficult situation that may be unbearable at times.
Q. Delayed unconvincing disclosure. What does that mean.
A. Again, that's one that has two parts to it.
Q. Yes.
A. The misperception is a good place to start. The common belief is if you're a child and you're 2875

being abused, then you will immediately -- as soon as it happens, you'll immediately go tell your mom, or your dad, your teacher, your best friend, someone. And that really doesn't happen very often, and that's why it's the misperception.
It is common that children have a delay and often a significant delay in disclosure from the first time of abuse to when they're eventually able to disclose. There are now actually several studies that have looked at this issue of delayed disclosure. And one that I often cite is by Diana Elliott and John Briere, which found that from the time of the first incident of abuse to when the child discloses, that about three-quarters of them had failed to disclose within the first 12 months.
Q. Excuse me, 12 months.
A. 12 months.
Q. Thank you.
A. So most kids don't disclose right away. What that means is that clearly there's a delay in disclosure.
What I think that also means is, whatever that mandate or coercion that was imposed on the child, that secrecy part, must have been pretty strong if it keeps most kids quiet for at least a year.
Now, there's also a fair amount of research that would suggest that somewhere between 30 and 50 2876

1 percent of children fail to disclose in their
2 childhood; that is, they may keep the secret of
3 their victimization quiet until their adulthood,
4 which again supports this notion that there's a
5 significant delay in disclosure.
6 Q. What are the issues that a child deals with
7 in determining whether or not to disclose that
8 they've been a victim of child sexual abuse. What
9 do they wrestle with, kids.
10 A. Well, I'll start by telling you that I often
11 tell kids when I'm in therapy with them that it was
12 a courageous thing for them to do, because they are
13 overcoming a lot of issues. They may be overcoming
14 threats. They may be overcoming a sense that
15 they're going to get in trouble if they disclose.
16 Lots of times kids feel like they're not going to be
17 believed. They'll disclose to somebody and, you
18 know, they'll get blamed for what happened.
19 For a lot of children, especially males,
20 there is this issue of stigma attached to
21 homosexuality. That is, most perpetrators are male.
22 And so for a male victim, not only do they have all
23 of these other issues about being afraid to
24 disclose, but if they disclose, the people will
25 think that they're gay, that they're homo. I mean,
26 those are the kinds of things that are teased or
27 ridiculed by adolescents or peers. And so it
28 becomes a very difficult thing. 2877

In addition to that, it matters who they disclose to. It's a hard thing to talk about. I mean, we can sort of think about it as adults retrospectively, but I think it's more important to try to think about it in the frame of a child. It's a really hard thing to tell somebody something that may be humiliating or embarrassing and traumatizing, especially if it would involve penises and vagina and oral copulation and sodomy.
Those types of things are incredibly difficult, and so kids have to overcome a lot of barriers to be able to say that to somebody, and they often pick on somebody that they feel will be supportive of their disclosure when they initially start to make disclosures, somebody that they feel that they can trust.
Q. What situation would pose the greatest likelihood of a disclosure. What's the combination of factors that would most encourage a disclosure.
A. A child -- that would promote a disclosure.
Q. Yes.
A. A child who is disclosing to somebody who they felt, with some confidence, would be attentive, caring, responsive. Wouldn't be blameful, wouldn't say, "Well, okay, you had it coming"; or "This is all your fault"; perhaps somebody who would be believing of the position that they're taking by disclosing. 2878

It can be a lot of different types of people, but generally it would be somebody who the child had some trust or confidence in.
Q. All right. Are kids concerned about whether they would be believed. Is that one of the issues that they deal with.
A. Very much so, yes.
Q. Now, would you expect that a child who does disclose having been a victim of sexual abuse, that that child would disclose to their closest relative.
A. If they perceive that closest relative to be somebody that they had confidence in, that -- that would be, you know, somebody that they felt would be positively responsive to them.
Q. Do you have a sense of how many children actually do disclose to parents as opposed to other persons; friends, teachers, therapists.
A. Well, that's one of the tough issues. As a researcher, if we were able to have a better understanding of the process of disclosure, we'd be able to facilitate those kids who have been sexually abused to be able to disclose more frequently. The problem is, there are lots of different people who children could disclose to. I mean, sometimes it's a mom. Sometimes it's a dad. Tends infrequently to be dads. Many times it may be a best friend, or a counselor, a therapist. It could be a lot of different people. That's why I say that 2879

1 the common denominator tends to be somebody that the
2 child has some confidence in that they would be
3 trusted -- trustworthy and supportive of their
4 disclosure.
5 Q. Are kids at all concerned about the reaction
6 of the person who would be the recipient of this
7 disclosure; in other words, how they would take it,
8 how they would handle it.
9 A. Certainly.
10 Q. Is that a factor that may be different with
11 a parent than it would be for, say, a mental health
12 professional.
13 A. It could. I mean, usually kids are not
14 particularly concerned -- as a mental health
15 professional, they're not concerned with how I
16 receive information. Whereas they may be concerned
17 with how a mother or a father, big sister, big
18 brother may receive that information.
19 Q. How about a child who is -- we've dealt a
20 little bit with the child who voluntarily comes
21 forward on their own, his or her own. How about a
22 child that is confronted by an allegation of having
23 been a victim of sexual abuse. What are the issues
24 that a child deals with.
25 In other words, it's not a voluntary effort
26 by the child to make -- give a communication of an
27 abuse to another person, but, rather, another person
28 directly asking that child. What are the issues 2880

that a child deals with when they are asked questions about whether or not they have been abused.
A. Well, in addition to all those other things that I mentioned about how it's difficult and they have to overcome a lot of the barriers about shame, humiliation, feeling they can get blamed for it or be responsible, in addition to all those, there may well be a natural process by which kids are able to disclose being sexually abused. And if somebody were to just come up and say, you know, "Were you sexually abused." they may not be able to make that disclosure because they weren't at that place where they could make it yet. Maybe two years, five years from now, they may be able to do it.
Also, it goes back to this issue of confidence. If they felt like the person who was asking them about their sexual abuse was supportive and attentive and believable and helpful to them, they may be able to make that disclosure.
If they felt like they could get in trouble, that they could be leading into an accusation, if it could be somebody who could get them in trouble for what they said, that would be a tough thing to do.
Q. What is the importance of proper qualifications by the person making the inquiry. In other words, is there such a thing as proper qualifications for a person inquiring of a child as 2881

to whether or not that child has been abused.
A. Well, there are. In California we have what we call Multi-Disciplinary Interview Centers, MDICs. There are places where children who have been alleged to have been abused go to be interviewed, and in California there is a rather extended training program to be evidentiary interviewers. Aside from some of the evidentiary issues, there's a lot of effort trying to make these people be supportive, to be the kinds of people who are easy in developing rapport, who kids like, are friendly, are comfortable. So the notion is if you can create that type of supportive, caring, attentive person, you can overcome some of the barriers that kids may have who don't want to disclose. So that really speaks to the issue of having people who are trained and skilled be able to ask questions or ask deep questions about whether a child has been abused or not.
Q. Doctor, does it make a difference, in your opinion, the gender of the child in terms of the ease with which they can give a disclosure of sexual abuse.
A. Yes.
Q. In what way. Explain that to us.
A. It goes back a little bit to what I said earlier. The basic issue is I think it's more 2882

difficult for males to disclose than it is for females. Because on top of all of the traditional difficulties, the basic barriers that I described, since most perpetrators are male, and if you happen to have a male victim, you also have the stigma or the potential exposure to ridicule and embarrassment because you'll be identified as gay or homosexual. I mean, those things get tagged onto a child. And particularly at certain ages, that could be very difficult to cope with.

Q. What kinds of ages.

A. Developmentally, a lot of early adolescents, males and females, go through a period where it's difficult to clearly sort through their sexual orientation, the sexual feelings, sexual desires. I mean, most of us, as early adolescents, recall the sense of the early sexual feelings that we have.

Q. Early adolescence is about what age.

A. Starting probably around 10 or 11, going up through, I'd say, 13, 14, 15 years of age, varying. But to probably be more specific, you know, 11 to 14, where you start having sexual feelings, you start having rather focused attention on the opposite or sometimes same sex about having sexual relationships.

And it's also a time of a lot of confusion, a lot of confusion about your sexual orientation, sexual identity. And so to be sexually abused, and 2883

1 then have this issue of whether you are homosexual
2 or not added into a difficult or confusing
3 adolescent time can be very difficult if you're
4 looking at trying to get a child to disclose sexual
5 victimization.
6 Q. But a child as young as 11 actually
7 understands the consequences of being stigmatized as
8 gay or homosexual.
9 A. Oh, certainly. I've seen a lot of kids,
10 much younger than 11, who would tease each other
11 about being gay because of clothes that they wear,
12 because of, you know, a haircut or hairstyles, or
13 because of behaviors that they were doing, maybe a
14 boy walks too effeminately, and they would be teased
15 about being gay. Even younger than 11.
16 Q. Okay. Doctor, when a child does disclose
17 for the first time, is it your experience, your
18 expectation that that child would disclose each and
19 every fact and piece of information about the
20 molestation in its entirety on the first disclosure.
21 A. No.
22 Q. Explain that to us, please.
23 A. No.
24 I have to remember this microphone thing.
25 Q. Yeah. We all have to do that.
26 A. No. It's actually quite uncommon that a
27 child would make a disclosure and fully and clearly
28 articulate everything that happened in their sexual 2884

victimization experience and be able to do that with detail. That doesn't happen very often.
Q. What are the issues that impact a child. I mean, what happens to a child who's giving a disclosure for the first time.
A. Well, what we're talking about with regard to the Child Sexual Abuse Accommodation Syndrome, what we're talking about is that fourth part, because it was delayed and unconvincing disclosure. The unconvincing disclosure is rather than thinking of the disclosure of sexual abuse as an event, or as an act, it's better to think of it as a process. That is, it's the process of overcoming a lot of those barriers and fears about what would happen when they disclosed.
And the research supports the notion that kids often will -- when they finally get around to being able to make a disclosure, will make a statement, and it may be a relatively vague statement. "He touched me in a weird way." Or, "He touched me and it made me feel uncomfortable," something like that.
If the response had been, as I suggested earlier, supportive, then they may feel more able to talk more about what happened and continuing on. As time goes on, if they feel more and more supported in being able to talk about it without fear of retribution, without fear that they're going to get 2885

blamed, without fear that any sigma might get attached to them, all of those fears that they have might start to get -- to fall away. Then they're eventually able to provide a more complete disclosure.
The difficulty is, if you have one, two, three, four, five disclosures, multiple disclosures, and they're not exactly the same, and they often -- the research shows us that they're often not the same, then it looks unconvincing, which is why Dr. Summit wrote, 20-some years ago, that kids who are sexually abused go through this process of a disclosure rather than an event.
Q. And referred to it specifically as a process; is that correct.
A. Yes. Yes.
Q. Is that your experience in dealing with the thousand or more children that you've dealt with over the years or that number that have been sexually abused.
A. Well, it is my experience. But I think more important, that's what's supported by the research. I mean, my experience, and granted, I have seen a lot of children who have been sexually abused, but it is better to rely upon what the research has to say rather than just a single person.
Q. In the course of your dealing with children who have disclosed and the research that you have 2886

conducted, is the demeanor of the child at the time of the disclosure something that's interesting to you or relevant to the question of sexual abuse.
A. You didn't ask me any questions about it, but what that goes to is this issue of accommodation --
Q. Yes.
A. -- past the process of coping with being sexually abused and, again, I'll remind you that the feelings are one of being afraid, embarrassed, humiliated. These are not things that are easy to deal with for a child.
One of the things that kids have to do, if they're being sexually abused, especially if it happens more than once, is they have to learn how to manage or shut down those feelings. They have to learn how to in some way separate themself out.
So what happens, and it often happens in therapy, when kids come in and they talk about being abused, they may talk about it in a matter-of-fact way, devoid of feelings. They may come in and, "Well, he put his penis in there. He moved it in and out. He put his hand here," and it sounds almost cold or clinical.
What it really is, is the child's relaying what they saw, what happened to them, separate from the feelings that they have.
Q. Doctor, a child who's been a victim of 2887

sexual abuse, would it be your expectation that each time the child is interviewed, assuming a succession of interviews or even testimonies, would it be your expectation that child would be perfectly consistent about all of the detail each and every time.
A. The research supports that they are not likely to be consistent. Part of that is just this issue of it's a process in which they feel more comfortable disclosing so they may give more information.
Part of it also is there's some areas in which kids are not attentive to. For example, children don't usually wear watches, and so if you were to ask a child, you know, "Did it happen at 2:30 or 3:30 in the afternoon. Did it last 35 minutes or 55 minutes." their orientation to time is different than that of an adult, so they may not be accurate on issues of time.
"Did it happen on December 13th or December 14th." They don't operate, as some adults do, with calendars that sort of make us guide that, so they may not be exactly accurate. So some of these intangible kinds of things they make mistakes on. Usually the things that they see, they're pretty good at being able to accurately describe.
And there's a caveat here, which is after about four or five years of age, kids are very good at being able to describe what they see and recall and 2888

provide that information.
Q. Doctor, let me ask you a couple questions about victims of sexual abuse and their relationship with the offenders. Is it possible for a child to actually have a sincere love and affection for the person who is molesting them.
A. Certainly.
Q. Explain how that would be.
A. Well, actually it's not only possible, in some situations it often happens. Going back to this basic issue, even as a part of this sense of secrecy, a relationship is developed between the perpetrator and the victim. And as a part of that relationship, in many instances the child likes this person. It's really difficult to just walk up to somebody and start fondling or molesting them. Usually, as I said earlier, sexual abuse happens in the context, and the context is that relationship. So from the perspective of the child, "I like this person, I enjoy doing things with them, they're fun, I like that they like me, I want people to like me," and so the sexual activity becomes an unpleasant, disliked part of a relationship that is bigger, that they, in fact, enjoy.
And, for example, in an incest situation, you may have a child who is being sexually abused by a family member. It may comprise a portion of their life that is unpleasant and they don't like and they 2889

feel very bad about it, but the needs that they have as a child, the need for a positive affiliation or positive relationship, affection, the need to have somebody who cares about them, they comprise a much larger sense.
And it is quite common for kids to sustain a relationship that may be abusive, adding in the fact that there's a secrecy and helplessness they can't do anything about anyway, because the larger scope is that there's this relationship that is very important and they have needs as a child that have to be met.
Q. Doctor, you said the "unpleasant" part of the molestation itself. Are there ever occasions where it's not unpleasant for a child; that a child actually doesn't view the actual act of molestation with repulsion; that a child might actually find it enjoyable. Does that ever happen.
A. It does, and in my experience, usually in two situations: One is very unusual, with long-term abuse, where the child sort of becomes a part of the relationship or thinks that the relationship that they may have with the perpetrator is more like boyfriend/girlfriend. I've had some clients who said, "I don't want to disclose because he's my boyfriend," and they were 11 and the perpetrator was 35. So it was an abusive relationship, but their perception was that it was not. 2890

The other one is with certain situations with sexual abuse with males, particularly with oral copulation. It is confusing -- or I should say, my experience when kids come to therapy, one of the common confusions that they have is, “I didn’t like what happened, it was embarrassing or humiliating, but it felt good, and I don’t know what to do about that.”

And the basic issue is the penis is designed to feel good. It’s designed to, if you stimulate it, to get an erection and to have pleasurable feelings. So in the process of oral copulation, if it’s stimulated, it may well appear to the child -- it may well be a pleasurable feeling. And at the same time, the child has the experience of being embarrassed and humiliated and disgusted by what’s going on. It is an odd situation that I have seen in many instances with boys who have been sexually abused.

Q. Is it unusual that a child, a boy, could actually achieve an orgasm or ejaculate during the course of molestation.

A. Not unusual at all. Again, that’s one of the things that penises were designed for. And you stimulate it enough or in a particular way, if they’re old enough, they will have an erection and they may well have -- they may well ejaculate.

Q. Doctor, in cultivating a relationship with a 2891

child to the point where the child accommodates acts of molestation, are there materials that can be shown to a child that would tend to accommodate that procedure; in other words, allow a child to be able to be more accepting of what's happening to him.
MR. MESEREAU: Objection; leading.
MR. ZONEN: This is an expert witness, Your Honor.
THE COURT: Overruled.
You may answer.
THE WITNESS: Can you ask your question again.
MR. ZONEN: Yes.
Q. Is it possible to use certain types of materials with a child that might lessen that child's sexual inhibitions.
A. Well, as I said earlier, it's a difficult thing to just walk up to a child and stick a hand in their pants and start fondling them. And I don't mean to be crude about it, but that is a good example, because it's likely if you were to do that, that the child would -- would be offended, repulsed, afraid, and difficult then to follow through and molest that child in a more extensive way.
And you don't have to do that. What kids tell us happens is that they have this relationship, it's somebody that they like, somebody that they enjoy, they enjoy spending time with them, and some 2892

minor sexual content gets to be a part of the relationship. It may be an off-color joke. It may be a comment about some girl's bottom or breasts that -- who walked by. But it's a minor thing. And then over time, it may be watching an R-rated movie, and making comments about people who don't have clothes on in an R-rated movie. Or even more, introducing the issue of pornographic materials, X-rated magazines, or videos, or touching the child.

For example, I had a client once who said that the perpetrator would give them back rubs. And it started with back rubs, and then it gradually, over a period of a couple weeks, progressed to be more and more sexual, where it involves penetration. The point is that what starts as relatively innocuous sexual content, like an off-color joke, gradually increases, desensitizing the child to sexuality, so that eventually when you engage in a more overt sexual behavior, like putting your hand in their pants and touching somebody's penis or vagina, then the child is more comfortable, they're more used to it, and put in this odd situation that, well, okay, you can now get in trouble, because it wasn't just this, but "Yesterday we were looking at magazines, and we were making these jokes, and looking at these videos."

Q. What happens to -- we're now talking about a 2893

boy, a young adolescent boy, who is shown porn --
who is shown sexually graphic material with visual
images, pictures. How does a young boy react to
that.
MR. MESEREAU: Objection. Foundation and
vague.
THE COURT: Overruled.
You may answer.
THE WITNESS: Depending upon the age of the
child, I mean, we're really talking about
stimulation. As I said earlier, there's certain
ages in adolescence and early adolescence where
there's an increased interest in sexual activity,
people of the opposite sex, a lot of confusion, a
lot of exploration, a lot of seeking more knowledge,
and in some cases experimentation about sexuality.
So that could be very exciting, certainly; enticing
perhaps.
Q. BY MR. ZONEN: A ten-year-old boy, would a
ten-year-old boy be old enough to find exciting
looking at sexually graphic material.
A. Certainly.
Q. 13-year-old boy.
A. Certainly.
Q. I'd like to ask you some questions about how
a child's behavior, a child who has been exposed to
sexual molestation, are there ways that their
behavior thereafter could change. 2894

A. I'm not sure I understand your question.
Q. Is it uncommon for a child to act out in some fashion, a child who's been sexually abused.
A. That can be very common, yes.
Q. In what ways.
A. Well, I hate to be stereotypical about this, but in fact it's supported by research. The experience of being sexually abused is distressing, has lots of feelings that are difficult. The way in which boys express distrust tend to be externalizing. The way that girls express distrust tend to be internalizing. What those mean, is internalizing tend to be sad, withdrawn, crying, depressed, those types of behaviors. Externalizing behaviors tend to be aggression, acting out, defiance, swearing, name-calling, those kinds of things.
So those are common behaviors that we see with children who experience some type of distress or trauma, and also with sexual abuse.
Q. Are there other types of abuse that could lead to that type of behavior as well.
A. Certainly.
Q. Does it have to be necessarily sexual abuse.
A. No. It can be neglect, but more likely it could be sexual abuse or physical abuse.
Q. And both of which could manifest that kind of behavior in a young, adolescent boy. 2895

A. Certainly, yes.
Q. Would that behavior include such things as talking back to teachers.
A. That would be -- yes, that would be sort of a poor response to authority.
Q. Getting into fights.
A. Getting into fights would be one.
THE COURT: Counsel. It's time for our break.
MR. ZONEN: Thank you.
(Recess taken.)
THE COURT: You ready.
MR. ZONEN: Yes, Your Honor.
THE COURT: Proceed.
Q. BY MR. ZONEN: Dr. Urquizo, what is the psychological impact of a child ultimately disclosing. Does something happen.
BAILIFF CORTEZ: Sir, your mike.
Q. BY MR. ZONEN: Dr. Urquizo, what is the psychological consequence or impact on a child who ultimately discloses to something happening to that child given that disclosure.
A. Well, one of the things that children tell us immediately happens is that there's a sense of relief from disclosing, assuming that the response to that disclosure was supported. But there's a sense of relief.
What there may well be is some degree of 2896

benefit on the mental health side. One of the things that happens with sexually abused children who are involved in therapy is the process in part involves talking about what happened or disclosing what's happened. And then also incorporating a lot of the feelings that occurred, as well as changing or modifying a lot of the distortions that the child may have acquired as a result of their victimization.

So this process of just going through the act of disclosure starts that -- starts the process that is parallel to -- it's not therapy, but it is like therapy. It is maybe the first part of that.

And so oftentimes, from the point of disclosure, kids have this sense of relief, and there may be some gain or improvement with regard to mental health symptoms. Especially if it is also responded to, as is often the case, to disclose, and then they usually get some type of mental health treatment. So it's followed by therapy which is specifically designed to help alleviate some mental health symptoms.

MR. ZONEN: Thank you, Doctor. I have no further questions.

THE COURT: Mr. Mesereau.

MR. MESEREAU: Yes, please, Your Honor.

Good morning.

THE WITNESS: Just barely morning. 2897

MR. MESEREAU: Huh.
THE WITNESS: Just barely morning.
MR. MESEREAU: Okay.

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. We've never spoken before, right.
A. I don't believe I have ever spoken with you.
Q. My name is Tom Mesereau and I speak for Mr. Michael Jackson.
A. Okay.
Q. Now, first of all, you've indicated the great majority of your expert witness testimony has been for prosecutors, for the government, correct.
A. That's correct.
Q. What percentage of your expert witness testimony would you say has been for the government.
A. Well, actually, the clarification would be of criminal and juvenile court. So of criminal court, you know, four or five times I've testified for the defense, and then about 85 times total, so that would be -- you could do the math, but that would be the portion.
Q. So about 90 percent.
A. Roughly.
Q. 90 percent for the prosecution.
A. Correct.
Q. In criminal court, correct. 2898

A. In criminal court.
Q. Now, when you testified in juvenile court, they were prosecutions, correct.
A. No.
Q. What were they.
A. They were part of the juvenile court process where the issue is related to the safety and well-being of a child, through the child welfare system, is placed in foster care, and then there's an 18-month process by which there's unification. So it could be in any aspect of the child welfare system, but it doesn't include any criminal involvement, at least for the part that I do.
Q. So you were not involved in efforts to convict juveniles of crimes.
A. That is correct. I have not been involved in juvenile prosecutions --
Q. And --
A. -- or in juvenile prosecutions through the child welfare system.
Q. When you testified in juvenile court, who hired you.
A. I'm usually paid for either by the county or by the court.
Q. Okay.
A. Sometimes I'm paid for by the parties, but for the most part, it's by the county or the court.
Q. Were prosecutors involved in these juvenile 2899

proceedings.
A. No.
Q. Okay. Are you being paid for your services.
A. Yes.
Q. What are you being paid.
A. My rate's 175 an hour.
Q. Okay. Have you been paid any amount of money to date.
A. No.
Q. How much do you expect to be paid.
A. Well, of course, it's 175 an hour. I don't know how long my testimony will go.
Q. Okay. How many hours have you put in so far.
A. Oh, about maybe ten hours. That's just an estimate.
Q. And --
A. Maybe less than that.
Q. Okay. You had meetings or discussions with prosecutors for the government in this case, haven't you.
A. I've had meetings and discussion with Mr. Zonen.
Q. Okay. Anyone else.
A. I've been introduced to other people, but I have really not had any substantive discussion with anybody other than Mr. Zonen.
Q. And when were you first contacted by 2900

Mr. Zonen.
A. Approximately a month and a half, maybe two months ago.
Q. Have you testified as an expert witness for this prosecuting office before.
A. I have never testified in Santa Barbara County before.
Q. This is the first time.
A. This is the first time I've testified in Santa Barbara County.
Q. Now, which District Attorney's Offices in California have you testified for.
A. I don't know that I could name all of them, but I could tell you that most of the D.A.'s Offices in Northern California, primarily in Sacramento and surrounding counties. As far south as Kings County, and Tulare County. As far north as Siskiyou County. Occasionally into the Bay Area, San Francisco, San Mateo, Alameda, Napa. Napa's not quite the Bay Area, but primarily in the Northern California, Central Valley counties.
Actually, with one exception. I testified for the defense in San Diego County.
Q. Okay. Now, you're a Ph.D. in clinical psychology; is that correct.
A. Correct.
Q. You're not a medical doctor, right.
A. That is correct. 2901

Q. And you can't prescribe medication, right.
A. That is correct.
Q. And you're not a psychiatrist, right.
A. Correct.
Q. And would you -- would you describe your professional activities as primarily research oriented.
A. No.
Q. How would you describe the primary thrust of your professional activities.
A. The mission of the University of California faculty is really to do three things: To do research, to teach, and to provide clinical service. And I have done all three of those things throughout the course of my career in the UC -- faculty in UC. It changes periodically, you know, from -- sometimes from month to month or from year to year, but I've always done all three of those things.
Q. And currently, what would the percentage breakdown of your time be as far as those three things are concerned.
A. Probably -- this is a guess. I don't mean to be flippant about this, but the numbers may well include more than 100 percent, because my job often includes more than 100 percent. I would say about 50 to 60 percent currently is clinical in some capacity. I'd say about 30 to 40 percent is 2902

administrative. I'm sorry, not -- is research
related. And then probably about 30 to 40 percent
related to teaching in some capacity.
Q. Now, would the clinical activities you're
engaged in involve counseling children.
A. I used to do therapy or counseling. I
stopped about three or four years ago.
I had done counseling starting when I
entered graduate school in 1983. And then again,
about three or so years ago I stopped, and
continuously for that time.
But because of the demands of my position
and other responsibilities, it was just really
difficult for me to make a regularly scheduled
appointment every week, which I felt was a
requirement if I'm going to make a commitment to
doing therapy with a child. So I stopped doing
therapy specifically for that reason.
Q. So for the last three or four years, you
have not spent much of your time counseling
children, correct.
A. Yes, doing therapy. I still have clinical
contact with children and families, but not in a
therapeutic capacity.
Q. Well, the clinical contact you have is
primarily for academic purposes, correct.
A. No.
Q. What is the primary purpose of the clinical 2903

work that you're currently doing.
A. Two things. One is I still am involved in evaluations, so I evaluate children and families. Again, much of that is related to the juvenile court system. And then I supervise cases and do in-take assessments on a regular basis. But it's just the part about therapy that I dropped out because of the demand for the regular weekly meeting.
Q. And how much of your current work is related to forensic.
A. Forensic, like --
Q. Like you're doing today.
A. Like testifying --
Q. Yes.
A. -- or --
Q. Forensic preparation, forensic evaluation, forensic testimony.
A. Oh, a small percentage. Certainly less than 5 percent.
Q. And please tell the jury what the word "forensic" means.
A. To my knowledge, being just something that has to do with the courtroom, criminal prosecution. Again, in my field, being the field of psychology, usually mental health, its interaction with some aspect of the court.
Q. Now, you've published a lot of papers about various aspects of clinical psychology, correct. 2904

A. Mostly related to child maltreatment.
Q. Okay.
A. It may not always be related to psychology.
Some of the things I do are related to child welfare
services or social services, not psychology.
Q. You would agree that false claims of sexual
abuse are made by children.
A. Certainly.
Q. And none of the papers you've published have
ever dealt with that subject, correct.
A. Correct. That's not an area of research
that I do.
Q. And you've also generated a lot of papers on
various aspects of your work that have not been
published formally, right.
A. Some. I don't know that I would say a lot,
but I have some manuscripts that are in preparation.
Maybe four, five or six that are included on my CV
that are not in -- that are not currently in a
journal or a book.
Q. And none of those papers have ever dealt
with the subject of false claims of sexual abuse by
children, right.
A. That's correct. Again, it's not an area of
research that I do.
Q. There are people in your position, Ph.D.s
and clinical psychology, who do specialize in the
area of false claims of sexual abuse by children, 2905

right.
A. I'm not sure that they specialize in it.
There certainly are people who are my colleagues who have done research in the area of false allegations of sexual abuse.
Q. And they've actually published papers on that particular subject, right.
A. There are several publications related to false allegations, yes.
Q. And you're aware that in California there have been some high-profile criminal cases which involved false claims of sexual abuse by children, right.
A. I need more information.
Q. Are you aware of a case in recent years that took place in Bakersfield where children testified they'd been sexually abused, there were convictions, and years later these testifying children came forward and said what they said was false.
MR. ZONEN: I'm going to object as exceeding the scope of the direct examination and relevancy.
THE COURT: Overruled.
THE WITNESS: I'm not aware of a case like that.
Q. BY MR. MESEREAU: You've never made any study of that particular case, right.
A. I'm not aware of any case like that.
Q. Have you ever heard of a case called 2906

McMartin that took place in Los Angeles County many years ago.
A. I'm aware of the McMartin case.
Q. Are you aware that false claims of sexual abuse were made in that case.
A. I am, although my knowledge of the McMartin case is rather small. I wasn't involved in that case, so I know very little about that case.
Q. Okay. Have you studied -- in the course of obtaining your undergraduate degree, master's or Ph.D., have you actually studied as a subject the area of false claims of sexual abuse by children.
A. Yes. And I have a quick caveat that I would add to that, but absolutely. There are probably about seven, eight, maybe ten research studies related to false allegations.
And the caveat is I am -- a part of the research that I do is specifically on methodology, about how to do research related to sexual abuse and physical abuse, primarily. And the caveat is, it's very difficult to get good information about false allegations, because what you're fundamentally researching is something that didn't happen. Clearly false allegations happen, but that issue of researching something that didn't happen is really hard.
Now, of those studies, I'm certainly aware of those studies. I have read most or maybe all of 2907

those studies. But anything that I would say -- and actually I would argue that anything that anybody would say related to false allegations should include that caveat, because it is just a difficult area to do research in.
Q. But certainly there's a wealth of material you can look at if it becomes your main interest as a researcher, correct.
A. I wouldn't say that there's a wealth of material. There are, in fact, some studies. Now, when I say "material," I'm really referring to what the research is in child sexual abuse. A lot of people have written and a lot of attorneys and certainly a lot of defense attorneys have written a lot, maybe a wealth of material about false allegations, and I have not read that. The focus of my reading has been on what research exists with regard to false allegations.
Q. Well, in your clinical work, have you ever made it a point to interview anyone who originally testified to sexual abuse, and later came forward and said, "I lied".
A. In my experience, there have been, that I know of, two cases where a false allegation was made. Now, that may seem like a rather small number, but most of -- or pretty much all of the children that I see in therapy are children who have already been identified as having been abused, and 2908

then they go off to therapy so they would come and see me. I'm usually not involved in the investigation part of the process. So it's conceivable that a different number of false allegations could happen and I have not been involved in those.
Q. Now, isn't it true that if you had been testifying for the prosecutors in any of these cases where there were false allegations, you would have testified exactly as you did here today, right.
A. I'm not sure I understand the question.
Q. Let me rephrase it. Maybe I didn't phrase it properly.
Let's look at these cases where false allegations of sexual abuse by children were made, okay.
A. Okay.
Q. If you had been called by the prosecution to testify for the prosecution in any of those cases, you would have said exactly what you said here today, right.
A. Do you mean with regard to the Child Sexual Abuse Accommodation Syndrome.
Q. With regard to everything you've testified to today.
A. There may be some minor variations, depending upon time, as we acquire more information, more research. Certainly we know information -- 2909

more information now than we did ten years ago. I have testified in cases ten years ago, so there might be some minor variations. I'd argue that generally it would be the same.
Q. And when you talked to Mr. Zonen about your testimony today, you didn't discuss the subject of false statements of sexual abuse by children, did you.
A. I don't recall Mr. Zonen asking me questions about false allegations.
Q. Okay. Okay. In the clinical work that you currently do, do any of your colleagues do clinical work in the area of false allegations of sexual abuse by children.
A. I'm not aware of anybody who does clinical work. I am aware of some of my colleagues who do research with regard to false allegations, but not clinical work.
Q. Okay.
A. You never know exactly what clinical work in false allegations would be comprised of.
Q. In your courses that you teach at University of California at Davis, do you ever teach students about the subject of false allegations of sexual abuse by children.
A. Yes.
Q. And have you written anything on that subject. 2910

A. No.
Q. Do you use a case book or a course book that deals with that subject.
A. The simple answer to that question is no, but that may be a little deceptive, because I no longer teach in a classroom setting. I teach in a graduate level. So I teach in the capacity of training people to be therapists, training to be psychologists or social workers, and so there would not be something like a course book for the lectures or the discussions, the lectures that I have related to false allegations.
Q. When you teach about the subject of false claims of sexual abuse by children, do you teach your students some of the reasons you believe children make false claims of sexual abuse.
A. Yes.
Q. And please tell the jury what those reasons are.
A. Sure. Well, and it's founded on what the research is, not necessarily what my personal opinion is, because it's the research --
Q. Sure.
A. -- issue with the caveat.
Q. Sure.
A. There are, in fact, a history of research related to false allegations that kids make; that is, false allegations being that they make an 2911

allegation that they were sexually abused, but it turns out that they were not sexually abused.
And the difficulty, with the caveat, and I impress so many times, sometimes it's really difficult to determine whether somebody was abused or not.
The research shows that there are a few dominant reasons why kids would make false allegations. Actually, primarily one reason why a child would make a false allegation, and that would be related to issues with a marital dissolution custody dispute, animosity between a husband and wife who are breaking up.
The notion would be husband and wife break up, husband or wife are angry with the other one, so they make an allegation of sexual abuse because this issue of custody is pending. It's a problem that is extremely difficult for family court systems who actually have funded some of the research related to false allegations.
I don't know if that was -- I mean, that was the primary reason why false allegations occur.
Q. There are other reasons, too, correct.
A. There may well be other -- that's the largest. There could be other reasons. They would tend to be more, maybe, situational or case specific.
Q. If you saw a situation where parents were 2912

involved in a very, very acrimonious divorce - okay. - and for the first time in that relationship allegations of serious physical abuse were surfacing, and in the middle of this acrimonious divorce all of a sudden one parent goes to the authorities and says, “My soon-to-be ex-spouse has been molesting a child for years,” would that cause you to pause regarding the accuracy of that allegation.

A. That’s a tough question for me to answer. The reason being, it’s not my job to make a determination about whether a particular child has been abused or not.

I could argue -- you phrased it that, okay, there’s a late or delayed accusation about sexual abuse, and maybe the parent put the child up to it. I could similarly argue that circumstances within the family or maybe the relationship between the parent and the child had changed. Maybe the parents had separated and the child felt safer and able to disclose the sexual abuse. It’s difficult to not disclose physical abuse, because if you get hit, you have red marks, you get a black eye. That’s really hard to keep secret. Sexual abuse is a lot different.

So I could make an argument for both sides; that, okay, I should be concerned or that it’s common for kids who have been sexually abused. I 2913

1 think the primary statement that I would make is
2 it's not my place as a mental health provider to
3 make a determination about whether a child has been
4 abused or not, sexually abused or physically abused
5 or in any other ways.
6 Q. Excuse me.
7 And is what you're saying that your line of
8 work is primarily to do research in these areas as
9 opposed to evaluate; is that correct.
10 A. Well, evaluate -- almost. Evaluate in the
11 context of mental health problems. I certainly
12 assess and evaluate children or families all the
13 time. But I assess and evaluate regarding whether
14 they have a mental health problem or not, not
15 whether they've been abused or not.
16 Q. Okay. And would it be correct to say to the
17 jury that, as you sit here today, you don't make a
18 living evaluating whether or not claims of sexual
19 abuse by children are true or not, right.
20 A. Certainly. I make a living being faculty in
21 the Department of Pediatrics, being a psychologist,
22 conducting research, providing mental health
23 services, teaching. I am not involved in the
24 determination of whether a particular child has been
25 abused or not.
26 And it's not my place and I don't --
27 actually even further argue it is not the place of a
28 mental health provider to make a determination about 2914

whether a particular person was abused or not, or
whether a particular person is a perpetrator or not.
In the criminal setting, that's the responsibility
of a jury.
Q. Now, you made a comment that parents can put
their children up to lying about sexual abuse,
correct.
A. I think I made it as a part of an example.
Q. And you would certainly agree that parents
can encourage or induce children to make false
claims of sexual abuse, correct.
A. Particularly within that context of
animosity between parents in issues of custody,
which is where most of the writing with regard to
false allegations comes. That has been a concern.
Now, I always hate to go to absolutes, so it
is possible for a child to be supported in their
false allegation by their parent.
Q. If you had a situation where you had a
mother and her children, and you had evidence that
the mother and her children had, from a
psychological standpoint, adopted someone as a
parental figure. Maybe there isn't a formal
marriage. Maybe there isn't a long-term
relationship, but --
MR. ZONEN: I'm going to object as compound,
Your Honor, and the narrative of the question
itself. 2915

MR. MESEREAU: I haven't finished my hypothetical, Your Honor.
THE COURT: He's allowed to form a hypothetical. Do you -- do you want the court reporter to read to where you were.
MR. MESEREAU: I can rephrase it. Thanks.
THE COURT: All right.
Q. BY MR. MESEREAU: Let me give you a hypothetical question: You've got a mother and three children. There is no father figure present. There has been a traumatic divorce of recent vintage. For whatever reason, the mother and her children pick someone and adopt that person as the father figure. And they refer to that person as "daddy," and they refer to that person as the father of the children and the mother encourages the children to refer to that person in that light.
And suddenly there is a split. The mother, the children sense that the person they've adopted as their surrogate father, as their father figure, is bailing out, is getting out of the situation, for whatever reason.
You could imagine, couldn't you, as a professor of clinical psychology, a situation like that where the mother suddenly induces the children to make false claims of sexual abuse.
A. As you frame that question -- I mean, there's two parts to my answer. As you frame that 2916

question to me, I can imagine it, because you just framed it for me.
Q. Yes.
A. But that would seem to me, in my experience and the research that I know about sexual abuse and even false allegations, to be fairly incredible.
The issue being, one, as I said earlier, it's about custody. And the research, with the caveat about false allegations, is when there is a custody dispute; that is, mom doesn't want the kids to go over to dad because she's -- or he's maybe sexually abused them, or vice versa, and there is this issue about who has legal right to these children. And that scenario that you just gave me doesn't seem like there would be that issue about who has legal right to it.
And on top of that, the research that we're talking about, just to make sure that we're clear, the prevalence of it, is that the numbers are really pretty small. It's difficult and maybe misleading to say, okay, well, there's these large number of kids who are making false allegations. The studies show that somewhere, at least around 2 to 6 percent of kids who make allegations make allegations that are false or that may be false. So we're looking at a very small number of kids to begin with, and with, what I would argue, doesn't fit into that high percentage group that the research describes. 2917

Q. But, Doctor, you know that in nasty divorces, very often one spouse will induce a child to falsely accuse another spouse. Not just to get custody; to be nasty and to hurt the person. You know that happens every day, doesn't it.
A. That may be your experience, but it's not supported by the research, that kids make false allegations related to being sexually victimized every day, or make a lot. I mean, those are words that you qualified with. The research does not support that.
Q. But you just said you're not an expert in the area of false allegations of sexual abuse by children, didn't you.
A. No, I don't believe I said that.
Q. You just said you don't do any research in that area, correct.
A. That's not an area of research that I do. I do a different area of research.
Q. And you've never published an article about that.
MR. ZONEN: Your Honor, I ask the witness be allowed to finish his answer in its entirety.
THE COURT: Sustained.
THE WITNESS: But of the research that exists, I have read most or all of the existing research - research, not just writing that somebody did - related to false allegations. 2918

Q. BY MR. MESEREAU: You don't know anything about the recent Bakersfield case, correct.
A. I --
MR. ZONEN: I'll object. Assuming facts not in evidence that there is a recent Bakersfield case.
THE COURT: I'll allow you to answer.
THE WITNESS: Yeah, I'm not aware of a case in Bakersfield.
Q. BY MR. MESEREAU: You're not aware of a case where false allegations of child molestation were made, people were convicted, were incarcerated.
MR. ZONEN: Objection; asked and answered.
Q. BY MR. MESEREAU: You never heard of it.
THE COURT: Sustained.
Just a minute. I want to stop for just a second, just because the legal term "hypothetical question" has just arisen in this case. And at the end of the case, I'm going to instruct you on the law concerning the whole entire case, but occasionally because of things that happen during the trial, I'm going to give you instruction to help you deal with the evidence. And that's the case here, so if you would please listen to this instruction, CALJIC 2.82:
"In examining an expert witness, counsel may ask a hypothetical question. This is a question in which the witness is asked to assume the truth of a set of facts and to give an opinion based on that 2919

assumption.
"In permitting this type of question, the
Court does not rule and does not necessarily find
that all of the assumed facts have been proved. It
only determines that those assumed facts are within
the possible range of the evidence. It is for you
to decide, from all the evidence, whether or not the
facts assumed in a hypothetical question have been
proved.
"If you should decide that any assumption in
the question has not been proved, you are to
determine the effect of that failure of proof on the
value and weight of the expert opinion based on the
assumed facts."
Thank you, Counsel. Sorry for the
interruption.
MR. MESEREAU: Thank you, Your Honor.
Q. I want to add a few facts to the
hypothetical I gave you. Okay.
A. Okay.
Q. Let's assume, hypothetically, the mother and
son have been involved in prior litigation where the
son, at an early age, testified under oath in
support of the mother.
Let's assume that lawyers were retained.
The mother and son had experience with lawyers, have
experience making allegation of sexual assault and
obtaining money in the process. 2920

Let's assume the facts I just told you, about the mother, the son, and siblings, for whatever reason, adopting a new father figure to the point where they're referring to that person as "daddy," and referring to that person to various people as someone who takes care of them, who has adopted their family and become the father figure. Let's assume that the new so-called "daddy" decides he doesn't want to be around these people, something doesn't seem right, and let's assume there is a falling apart. Let's also assume the mother and son again go to lawyers. Not the police-lawyers. And let's assume that they are interested again in financial gain. Given what I've given you in that hypothetical, you can certainly envision the possibility of false claims of sexual abuse, correct.

A. The difficulty that I have with your hypothetical --

Q. Yes.

A. -- is that I perceive my responsibility here is to provide information about what the research has to say about child sexual abuse. And while your hypothetical, your story, is clear, I know of no research that goes to that point. So I don't think I can answer your question. 2921

Q. Well, you're not telling the jury that there has been no research on false claims of sexual abuse for purposes of manipulating the legal system and obtaining financial gain, are you.
A. My understanding of the research with regard to false allegations, I don't recall a single article where the goal of the research literature, where the goal was making a false allegation for financial gain.
Now, perhaps making a false allegation to retain custody of your child, as I mentioned earlier, but I'm not aware of any research related to false allegations for financial gain.
Q. But you're certainly not suggesting to the jury that false allegations of sexual abuse cannot be made for purposes of financial gain, are you.
A. I'm not making that statement. I'm just --
Q. Okay.
A. -- trying to describe what the research says.
Q. Have you had a lot of experience with allegations of sexual abuse appearing in civil cases as opposed to criminal cases.
A. A couple. But not very many. Maybe two.
Q. Do you know whether or not, if somebody is criminally prosecuted and convicted of molestation, whether or not the alleged victim would automatically win a civil case if they filed one. 2922

MR. ZONEN: I'll object as lack of foundation.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Now, you've indicated that you're aware of false claims by children of sexual abuse, right.
A. Me specifically, or with regard to the research.
Q. The research.
A. Okay, yes.
Q. And you're aware that adults can encourage children to make false claims of sexual abuse, correct.
A. Certainly they can encourage. And again, usually that's within the context of marital dissolution and custody.
Q. I know your point, but that's -- that's through the articles and research you've read. You aren't saying it can't happen in other contexts, are you.
A. I'm not saying that.
Q. And you're certainly not saying that parents could not encourage children to make false claims of sexual abuse for financial reasons, are you.
A. I'm not making that statement.
Q. Okay. Now, you'd agree that children will sometimes exaggerate claims that they've been abused, true. 2923

A. I'm not sure what you mean by "exaggerate." I know the casual term of "exaggerating," but you seem to have a more specific one related to sexual abuse.
Q. Well, I mean, you know what the word "exaggeration" means, right.
A. That's what I mean, in sort of casual terms. But I guess I'm asking if you could be more specific with regards to sexual abuse.
Q. Well, certainly you would agree that children can be touched by someone, and at some point in time exaggerate that touching to be something along the lines of molestation or inappropriate touching when it isn't.
A. Certainly that would be possible.
Q. So what you're saying is there are possibilities of pure falsehood; in other words, a child says sexual abuse happened when they aren't even touched.
And there are possibilities of exaggeration, where a child is touched, but not inappropriately, and then the child comes forward and says, "I was touched inappropriately," correct.
A. Those are two possibilities.
Q. Yes.
A. I don't think I've ever encountered the second possibility, but certainly it's possible.
Q. Well, common sense would tell you that it's 2924

certainly possible that a child could be touched appropriately, and at some point come forward and say that touching was either -- either, “I was molested” or “I was touched in an inappropriate way.” That makes sense that that could happen, doesn’t it.
A. It’s possible, yes.
Q. Okay. But in your studies, you’ve never come across it. Is that what I’m hearing.
A. That description --
Q. Yes.
A. -- about the pattern of exaggerating --
Q. Yes.
A. -- is not pronounced in the literature related to false allegations.
Q. It’s not pronounced in the literature, but you’re not saying it doesn’t happen.
A. I’m not saying it doesn’t happen. It’s possible.
Q. Let’s be honest. If parents are touching their children, and they suddenly go through a nasty divorce, and all of a sudden claims of inappropriate touching happens, they may be exaggerated, right.
A. It’s possible that could happen.
Q. And would you agree that in the last, say, 15 years, you’ve seen a tremendous increase in claims of molestation in divorce cases.
A. I don’t know the literature on that. I 2925

don’t know that I could answer that question.
Q. Okay. Okay. Do you routinely in your work look for research articles on the subject of false claims --
A. Yes.
Q. -- by children.
A. False allegations, yes.
Q. Okay. And are studies in this area being done at your university as we speak.
A. On false allegations.
Q. Yes.
A. No. To my knowledge, and -- the issue of sexual abuse, and the clinical aspects of sexual abuse, they are being done at my agency, because that’s what we do within the Department of Pediatrics.
There is another researcher in the Department of Psychology who does developmental research that is related to physical and sexual abuse, but not to the clinical aspects of sexual abuse.
Q. Okay. Now, let me ask you some questions about the way children might react if they truly have been sexually abused. Okay.
Now, the prosecutor asked you some questions about a child becoming aggressive because a child has been sexually abused, right.
A. Yes, I believe he did. 2926

Q. And if you have a situation where a child has been aggressive, say, in school before any allegation of sexual abuse arises, you wouldn't look at that child and say, "I see evidence of sexual abuse because the child's being aggressive," would you.
A. It is difficult to say if any particular symptom, in this case you're using aggressiveness, is directly related to physical abuse or sexual abuse. You can be aggressive for a lot of different types of reasons. It is hard to say, "Okay, you're aggressive. You've been sexually abused." I would not go there.
Q. And it would complicate your ability to attribute aggressiveness to sexual abuse if you knew that particular child was acting aggressively in school before the alleged abuse, right.
A. It may com- -- I'm sorry, it may complicate it. The issue, as I said earlier is, aggression is -- may well be a reflection of the distress that a victim has, but it could also be something related to another aspect of their life unrelated to being victimized.
Q. For example, if a child had been a chronic discipline problem in school, a child had been constantly called to the carpet for fighting, getting up in the middle of class and singing, disrupting teachers, calling teachers names, being 2927

bounced out of every class, ordered to detention and not showing up to detention; if you had factors like that, that would complicate your ability to say that aggressiveness was a function of sexual abuse at a later date, right.
A. Well, I would actually say it the other way around. I would say that sometimes kids who are sexually abused exhibit those kinds of problems. I would be reluctant to say that because you exhibit those kinds of problems, that you therefore have been sexually abused.
Q. Right. Okay. Okay. Wouldn't you agree that children who actually have been sexually abused tend to react to that abuse in different ways.
A. Certainly.
Q. Some children who have been sexually abused appear severely traumatized, right.
A. Yes. But that's actually a minority of kids who are severely traumatized by sexual abuse. It is something that some kids go through, but it's not a frequent occurrence.
Q. Well, some kids would seem to take it in stride better than other kids, right.
A. That's correct.
Q. Some seem to be very traumatized by it, and some can show remarkable abilities to take it in stride, correct.
A. We call it resilience. 2928

Q. Yes. Some children who have been actually
sexually abused will tend to act out their sexual
abuse, correct.
A. “Act out” meaning. I mean, I have a sense
of what “act out” usually is, but I’m not sure if
it’s exactly what you mean.
Q. They will in a very overt, dramatic way,
describe it, right.
A. Now, are you talking about the disclosures,
or are you talking about the symptom presentation.
Q. I’m talking about both. Some children --
I’m not saying “all.” Some children who actually
have been sexually abused will describe what
happened to them in a very dramatic descriptive
fashion, right.
A. That’s possible, yes.
Q. And some, on the other hand, who have been
sexually abused will become very withdrawn, right.
A. Correct. That’s possible.
Q. Some children who have been sexually abused
will immediately tell someone about it, true.
A. That is, in fact, possible. Certainly that
occurs, as I testified earlier. It occurs in a
small minority of cases, but certainly it is
possible, and I would guess that it does occur.
Q. And some will never tell anybody about it at
all, right.
A. Yes. I didn’t add that to what Mr. Zonen 2929

had asked me. I know I said that there are some
people who don't disclose their sexual abuse until
they're adults.
Now, it's my opinion that there are some
people who don't disclose throughout their entire
lifetime, but I don't have any research, obviously,
to be able to point to that.
Q. And again, everything you're saying comes
out of research studies that you've looked at,
right.
A. Either that I've looked at or that I've
done.
Q. You're not giving opinions to the jury based
upon any of the therapeutic work you've done with
actual children, true.
A. There may have been a couple of times where
I've asked -- was asked my opinion about an issue,
and I've tried to frame it with the statement "in my
opinion," rather than that's what the research says.
And I think I just did that a minute ago with regard
to people who don't disclose throughout their entire
lifetime.
Q. Okay. But what I'm trying to get at is
this: You're giving the jury opinions about the
subject. You've said some children act out their
abuse and some become very withdrawn. Some become
traumatized and others take it in stride, right.
A. Well, actually, I think it's -- 2930

Q. What are your opinions based on.
A. I think it's actually different than that.
My job is to provide information about what the
research has to say.
Q. Right.
A. Not to sit here and just provide an opinion
about what I've seen as a clinician or what I think
as a person. To provide what the research has to
say.
In those situations where I, in fact, have
an opinion that's not supported by research, I have
tried to say, as I gave you an example a minute ago,
"in my opinion" related to something.
Now, the other part of your question, it's
my job to educate the jury and, consistent with what
Dr. Summit wrote with regard to the Child Sexual
Abuse Accommodation Syndrome, is to dispel myths and
misperceptions about sexual abuse.
And so within the context of the Child
Sexual Abuse Accommodation Syndrome, I do exactly
the same thing that he wanted to do with therapists,
but with a jury. That they have a difficult
decision to make, and they should do that based upon
what research has to say, and that's what I have
tried to present.
For example, if they have the misperception
that children are sexually abused by strangers, that
some guy will jump out of the bushes and molest 2931

children, that's the way it mostly happens, well, that's a misperception. It doesn't usually happen. And I think I've characterized that most children are sexually abused by someone with whom they have an ongoing relationship.
Q. But you're not telling the jury that strangers do not molest children, are you.
A. No, but I am telling them that this is a misperception that strangers are the people we need to look out for with regard to the frequency of perpetrators. Most children are sexually abused by someone with whom they have an ongoing relationship. It could be a stranger, but it is infrequent for them to be sexually abused by a stranger.
Q. Have you ever made a study of how many cases go through the criminal courts in California where children are molested by strangers who are pedophiles. Ever made a study of that.
A. No, but there are a number of studies that have examined the relationship between the perpetrator and the victim, and the number of strangers who molest kids are in single digits. There's different studies, depending on methodology, but it's around the 4 to 6 to 7 percent of children who are sexually abused by a stranger.
Q. But do you know how many of those cases were prosecuted in California last year.
A. No. Couldn't tell you that. 2932

Q. Do you know how many were prosecuted in the last five years.
A. Again, I don't do research in issues of the court and criminal prosecutions.
Q. What you're telling the jury is that the vast majority of these cases, looking at it from a research standpoint, are done by -- or involve allegations that someone the child is familiar with did this; is that right.
A. That most children are sexually abused by somebody --
Q. Yes.
A. -- with whom they have an ongoing relationship.
Q. Yes.
A. Correct.
Q. Okay. Now, you'd agree that some children who have actually been abused have very accurate memories of their being abused, right.
A. I would agree with that. Some children probably do.
Q. And some children have false memories of being abused, correct.
A. I have a hard time with that question. If you --
Q. Let me just ask it again.
A. Well, if you have not been abused, then you don't have a memory of it. 2933

Q. You could have a false memory of it, true.
A. There is literature which I consider unusual, where certain people have stated that they have a memory of being abused, and it's a false memory, it turns out. Even more so with the caveat that I have about false allegations, that I would have a significant caveat about the credibility of research related to false allegations -- I forget what -- the phrase that they call it, but allegations that the victim appears to believe that they were abused and they were not. I mean, that is a very unusual aspect of this field.
Q. But it certainly has happened, hasn't it.
A. There are reports that it's happened, yes.
Q. And there are people in your field who are devoting a large percentage of their professional endeavors to studying that particular area, aren't they.
A. I'm not aware of those people.
Q. Well, you're aware of an area dealing with what is called autosuggestion, where children are actually induced by parents, adults, and other influences to conjure up false memories of abuse. You know that's going on today.
A. I'm not familiar with that.
Q. Don't know anything about that field.
A. No.
Q. Okay. Getting back to the issue of children 2934

who actually have been sexually abused - okay. - I'm excluding false claims. All right.
Some children who actually have been abused will actually show common symptoms of abuse, correct.
A. There are some, well, common symptoms of distress.
Q. Yes.
A. It is difficult to have common symptoms of abuse because of the diversity of symptom presentation with kids who have been sexually abused, so it's common symptoms of distress.
Q. Well, in your response to the prosecutor's questions, you were identifying certain generic, general ways that actual abuse victims might behave, true.
A. Yes, I think what I had said is, as a stereotype, it's consistent with the stereotype that female victims, who usually are victims who experience some distress resulting from their victimization, tend to be internalizing, and then males externalizing, and try to characterize or define what those two things are as broad types of expression of symptoms that victims go through.
Q. The point I'm making is this: Some children who have actually been sexually abused will act perfectly normal, true.
A. I would -- again, it's hard for me to go to 2935

the issue of absolutes, but certainly there are some
kids who act normal and have no apparent external
change of behavior that would give you rise to
believe that they've been sexually abused.
Q. And some children who have actually been
sexually abused will not act normal, right.
A. Some kids who have been sexually abused
have -- typically have some type of symptom pattern
that they present.
Q. And it becomes very difficult when you
observe how a child behaves to determine if that
child really has been truly sexually abused, true.
A. It's hard to look at a child and say, "Okay,
you've been sexually abused." That would be a
difficult thing to do that.
Q. Okay. Nobody can determine with absolute
accuracy that a child has been abused because they
act in a certain way, right.
A. Again, that would be pretty much the same
question that you just asked me a minute ago. It's
difficult to look at the child and say -- you can do
it either way. To look at that child and say,
"Okay, you've been sexually abused," and/or to look
at a child and say, "Okay, you have not been
sexually abused." It's difficult to have that
external ability.
Q. Okay. Now, you'd agree that in your field
it almost goes without saying that parents can have 2936

a tremendous effect on whether or not their children tell the truth, right.
A. Yes. It should be -- actually, part of my field is also child development. And I would hope that parents have an ability to influence the lives of their children in lots of ways, one of which would include telling the truth.
Q. And if a child is continually exposed to parents who are perpetual liars, that can have an effect to a child's view of whether lying is acceptable, correct.
A. I would tend to agree with that, yes. I mean, they're not all cases, but I would tend to agree with the sense that a child may have a value about lying that might be similar to that of their past.
Q. Let me get to the subject of when an actual child victim of sexual abuse tends to disclose what happened to them - okay. - because you talked about when they might or might not disclose it. Okay.
A. Okay.
Q. And I'm going to limit my questions to situations where the literature you've studied deals with children who have actually been abused. Okay.
A. Okay.
Q. I'm not talking about children who lie. I'm talking about the actual, what appear to be victims of real sexual abuse. Okay. 2937

A. Okay.
Q. You'd agree that some children will disclose it right away, won't they.
A. Again, a minority, and perhaps a small minority of children will make immediate disclosures.
Q. But some do for sure, right.
A. It is -- some children do. It is much more common for kids to have a delayed disclosure.
Q. But you aren't telling the jury that there aren't situations where children who have been abused have not run to their parents screaming and yelling, "This person just touched me," right.
A. No, I think what I'm trying to do is to characterize what the research says about all disclosures, and so that means accurately portraying what an immediate -- the frequency of an immediate disclosure would be, and it is a small percentage of kids who do an immediate disclosure. It certainly happens.
Q. Okay.
A. It is much more common for there to be either an extended delay, or a delay going into adulthood. That is, I think, an accurate characterization of this issue of frequency of disclosure.
Q. And you're dealing with generalities that come from the research and study that you've done or 2938

reviewed, correct.
A. Generalities I have a difficulty with. I'm reflecting or describing what several studies have reported that are fairly consistent --
Q. Okay.
A. -- about the issue of delayed disclosure.
Q. But certainly you're not suggesting to the jury that every day of the year children don't run to their teachers and say, "So and so just touched me," "so and so just grabbed me," "You know what so and so just did to me." That happens all the time, doesn't it.
A. I'm -- I'm having difficulty -- are you saying that, "They touched you," they're making -- so are you suggesting that it happens all the time that children make false allegations.
Q. It happens quite often, doesn't it.
A. I would agree with that.
Q. You don't think teachers get reports like that often in school.
A. I don't think that there are often or all the time characterizations of false allegations of sexual abuse.
Q. Have you interviewed teachers on that subject.
A. There actually are --
Q. Please answer my question.
A. No.

Q. Have you personally interviewed teachers on that subject, ever.
A. No.
Q. Have you done any research on that subject yourself.
A. I have read research, but I have not specifically done research on that subject.
Q. Okay. Now, I just want to ask you if the statements I'm making are correct or not. Okay. Some children tell right away, right.
A. Again, within -- I don't mean to be long-winded or redundant here.
Q. I'm just asking you to answer my question. Is it true that some children --
MR. ZONEN: Your Honor, I'd ask that the witness be allowed to answer the question without interruption of counsel.
MR. MESEREAU: I'll rephrase it, Your Honor.
THE COURT: All right.
Q. BY MR. MESEREAU: Let me ask you to just give a response whether you think this is true or not - okay. - and then if you want to explain it when the prosecutor gets up to get explanations, you can do that.
True or false: Some children will disclose sexual abuse right away.
MR. ZONEN: Objection; asked and answered.
THE COURT: Overruled. 2940

You may answer.
THE WITNESS: That would be true.
Q. BY MR. MESEREAU: Some children will never disclose sexual abuse, right.
A. That is true.
Q. Some children will tell a little bit at one point and then tell more at a later day, true.
A. I would agree with that, yes.
Q. And some children will just make up stories of abuse, right.
A. It is true that there are false allegations that occur.
Q. You made some statements about details when a child makes a revelation about sexual abuse, correct.
A. I did talk about the disclosure and the process of disclosure, yes.
Q. You talked about details sometimes changing when a child repeatedly discloses what has happened, allegedly, to the child, true.
A. I talked about, and I think what I tried to characterize was that there was a process to the disclosure, and some of the barriers that make it difficult for a child to disclose and the way in which kids would disclose being sexually abused.
Q. But changing stories about the details of alleged sexual abuse can also be consistent with lies, true. 2941

A. Lies with regard to.
Q. Sexual abuse.
A. Again, I would agree that that's possible.
Q. In other words, if you see details being added each time a child tells a story about alleged sexual abuse, that might be an indication, as you said, that the child was abused, or it might be an indication that the child is a flat-out liar, right.
A. Well, and I think that's why Dr. Summit included it in the Child Sex Abuse Accommodation Syndrome, because the presentation was, back in 1983, that just because a child wasn't completely perfect, then their disclosure was unconvincing or they weren't telling the truth.
What we have since learned from research since 1983 was that the pattern that is common for kids who have been sexually abused sometimes included mistakes, or errors, or they may goof up on some of the details.
And so I'm not making a statement that, "Okay, you made a mistake, and so -- with regard to the disclosure, and so you are or are not sexually abused."
I'm trying to dispel the misperception that a juror may have related to the way in which a child discloses sexual abuse. Just because they make a mistake doesn't mean it's unconvincing or doesn't mean that they weren't abused. 2942

Q. And just because they add new details, new stories, new dates, new versions, doesn't mean they're not liars either, does it.
A. Right. It could go either way.
Q. Okay. Now, are the studies that you have looked at been studies that are, for lack of a better word, scientifically based.
A. They are research based that are published in peer-reviewed journals.
Q. How does what you've been reviewing in your work relate to science, if you can even answer that question.
A. I would argue that scientific research and psychology is a component of science, part of the social sciences. And then within the part of that related to children or child sexual abuse, that we engage scientific methodology to attempt, to the best of our ability, to identify what is best known about this event of sexual abuse or sexually inappropriate behavior between an adult and a child. So we try to gain knowledge related to sexual abuse.
Q. But there certainly is no scientific way to determine if a child has truly been sexually abused or if a child is lying about it, right.
A. I'm not aware of any science strategy or methodology to determine guilt or innocence between a specific perpetrator and a specific victim.
Q. Okay. And I think what you're telling the 2943

jury is nobody can determine that a child has been abused just based on what the child says, right.
A. No, actually, I think somewhat differently. I think what I'm trying to tell the jury is that there's a difference between what you may have grown up and learned about sexual abuse through reading magazines or watching television or talking to your friends and what research says about sexual abuse. And my job is to provide you with --
MR. MESEREAU: Could I ask the witness be admonished to answer the question.
THE COURT: I think he is answering it. You asked him if he said one thing, and he said no, he said another.
MR. MESEREAU: Okay.
THE WITNESS: My job is to provide information about what the research has to say about sexual abuse, and then consistent with Dr. Summit's Sexual Abuse Accommodation Syndrome, to dispel any misperceptions or myths that you have about child sexual abuse so you have perhaps a more solid foundation on which to make a determination in this specific case.
Q. BY MR. MESEREAU: I may not have asked the question properly. It could have been my mistake. Let me ask it again.
Nobody can determine that a child has been abused just based on what the child says, right. 2944

A. I don’t think I’ve ever been asked that question before. I don’t know how to answer that. I mean, I could only say that that would be a difficult thing to do.
Q. Okay.
A. But I don’t know how to answer that question.
Q. There’s no test you can give a child to determine whether or not that child has been actually sexually abused, is there.
A. I’m not aware of a test to determine whether a particular perpetrator sexually abused a particular victim.
Q. Okay. In terms of reliability of studies - okay. - do you have -- do you have any thoughts on how the research studies you look at would relate to the opinions of actual clinical or therapeutic workers in this field.
In other words, do you believe that the research work you do, where you review the studies that are being published, do you believe this work is more reliable than the opinions of people actually counseling children or administering therapy to children.
A. I earlier made a statement that it’s better to rely upon what the research has to say than in my particular opinion. And I happen to be a person who believes in research and believes in science and 2945

it's part of what I do every day.
And the best example I can give you is I've seen a lot of children who have been sexually abused. But the research is founded on much more rigorous, focused and a larger number of kids than even than I have seen.
So somebody who is in, let's say, private practice doing therapy maybe, over the course of a few years, will have seen 20, 30, 50 children who have been abused, and they take their knowledge from the children that they see. And maybe that is an accurate reflection of the research; maybe it's not. But they enhance their knowledge by reading the literature, reading scientific journals, reading professional journals about sexual abuse, and then add that to this issue of the clients that come in and the patterns they see in their clients.
Q. But when you look at these research studies, and you tell the jury, "Based upon the research studies I have reviewed in my professional work, I'll give you these percentages," the reality is, you haven't talked to a single one of those alleged victims of sexual abuse that are the subject of the studies, right.
A. Well, with the exception of my studies, the research that I have done, if you exclude those, because, in fact, I have cited research of my own, that is true. A colleague of mine does research in 2946

Central Michigan. I have not gone to Central
Michigan to talk with the subjects in her studies.
Q. And when you read one of these studies and
they say a certain percentage of victims of sexual
abuse don't tell right away and a certain percentage
do, the reality is, you don't even know who the
people they're talking about are, right.
A. I -- well, other than a general description
that they provide in a journal article or a piece of
research that they do, I don't know the names of
them, and I shouldn't know the names of them because
their involvement in research is protected by
confidentiality.
Q. Now, based on what you told the jury in
response to the prosecutor's questions, I'd like to
ask you a few questions and ask if they're true:
Claiming you're abused would be consistent
with actual abuse, correct.
A. I'm not sure I understand your question.
Q. Well, if somebody says, "I have been
abused," that would certainly be consistent with
someone who actually has been abused, right.
A. I would disagree with that.
Q. You're trying to say that victims of sexual
abuse never come forward and say, "I've been
abused".
A. You can be sexually abused and say, "Okay, I
have been abused." And you can be sexually abused, 2947

and again, as you pointed out, have a false allegation.
Q. Well, let's put it this way: Denying you've been abused could be consistent with having actually been abused, right.
A. You're getting me all messed up.
Q. Let me rephrase it. Some people say, "I've been abused," and they have been. Some people deny they've been abused, and they have been. Is that what you're saying.
A. Correct.
Q. By the same token, some people say they've been abused, and they haven't been at all, true.
A. That's correct. That happens.
Q. And some people who deny they've been abused never were abused, right.
A. That would be correct, yes.
Q. Okay. All right. You said something about allegations of sexual abuse changing - okay. - during the course of an alleged victim telling various people about what happened, right.
A. I made mention of that with regard to the aspect -- the fourth aspect of the accommodation syndrome, the unconvincing disclosure, yes.
Q. If a child abuse -- excuse me, let me rephrase that.
If a child is claiming they've been abused, and you notice, during a series of interviews, the 2948

dates of the alleged abuse start to change, okay.
A. Okay.
Q. That could be perfectly consistent with a child who's lying, right.
A. That's possible.
Q. If you knew that an alleged child victim had experience in the legal system making claims and getting money from those claims, would that cause you any pause with respect to whether or not the child was telling the truth.
A. I'm -- I don't think that's my area to answer.
Q. How come.
A. Well, what I said earlier. I mean, if you're framing it within the context of false allegations, kids, in fact, do make false allegations. And when they make false allegations, the reasons that I provided earlier were in the context of divorce and issues of custody. I wasn't aware of -- or I am not aware of an instance where a child has made a false allegation specifically for the purpose of financial gain. It's possible, which is the question you just asked me, but I'm not aware of that. Nor am I aware of any research that's focused on the issue of financial gain and false allegations.
Q. Well, you've done some therapeutic work, you said, earlier in your career, right. 2949

A. Up until about three, four years ago, yes.
Q. And I have to assume, as a human being, when you've interviewed people, you must have been saying to yourself from time to time, "I wonder if I'm being told the truth," right.
A. Occasionally. But not frequently. Most of the time when I get kids for therapy, they've gone through this process where there has already been a determination about whether they're -- they've been abused or not.
And it's not my place to make a determination whether they're abused or not. The focus of my attention is on decreasing mental health symptoms.
Q. Let me ask you this, Doctor: Let's assume you're doing what you just described. Based upon what you know, someone, or maybe more than one person, has made a determination that somebody has been actually abused, okay.
A. Okay.
Q. And they come to you in this therapeutic context, right.
A. Okay.
Q. And you start administering therapy to this alleged victim, right.
A. Yes. Okay.
Q. And in the course of your counseling this alleged victim, it suddenly dawns on you, "I don't 2950

1 believe this person." What do you do.
2 A. I don't know that I've been in that
3 situation before.
4 Q. What do you do if it happens.
5 A. Probably try to address the related mental
6 health issue if it's related to this perception that
7 I have that it's a false allegation. Because my job
8 is not to investigate if there would have been a
9 determination. My job is if the child comes in and
10 they're depressed, or they are anxious, or they're
11 aggressive, is to address the mental health problem,
12 not to investigate whether they've been abused or
13 not.
14 So if I have that thought or idea or
15 feeling, then my first inclination, I think, would
16 be to relate it to the mental health system, which
17 is, in fact, my responsibility.
18 Q. Well, your profession has certain ethical
19 requirements you're supposed to follow, correct.
20 A. Yes.
21 Q. And as you've said earlier, you're aware of
22 situations where people have come forward years
23 later and said, "That allegation I made as a child
24 was false," correct.
25 A. And again, are you talking about within the
26 clients that I have seen, or just generally.
27 Q. Generally.
28 A. I'm aware that there are false 2951

allegations --
Q. Okay.
A. -- yes.
Q. My question to you is, as a professional, bound by certain ethical rules, if someone comes to you for therapy, and it's your understanding that some other individuals, whom you may not even know, have made a threshold determination, "We think this child was abused," okay.
A. Can I interrupt you in the middle of your question. In your prior question when you said "other individuals," you pointed to these people (indicating).
Q. No, I didn't mean they had done it. No.
A. And I made the determination there was an adjudication and the client was found -- was identified as being victimized by a jury, because you went like that (indicating).
Q. No, I was not.
A. My mistake, then.
Q. The jury has nothing to do with this issue at the moment.
A. Okay.
Q. What I'm asking you is, as a professional, someone comes to your office for therapy. It is your understanding that certain people in the system out there, whom you may not even know, made a threshold determination that they believed this 2952

person was the victim of abuse. You start your counseling sessions. You start talking to the person very intimately about what happened. You ask them about their background. You ask them about parental influence. You ask them how they live their life. You probe into who they are. And at some point a light goes off: "I don't believe this person. Something's wrong."

From an ethical standpoint, what do you do, as a clinical psychologist.

A. It's an interesting problem, and only because I don't think I've ever encountered a situation like that, and because it really runs up against this issue of confidentiality. What goes on in a therapeutic office is confidential. Clearly there are mandates to report if you reasonably suspect somebody is abused.

But you're asking me the opposite. And so since I've never encountered a situation like that, the first thing I'd do is go read the either state ethics regulations or the ethics related to the American Psychological Association, because I've never encountered something like that.

But it would be significant for me to break a client confidentiality, since it's one of the hallmarks of psychotherapy, so I'm not exactly sure what I would do in that situation.

Q. Have you ever made a study of false claims 2953

of sexual abuse directed at celebrities.
A. I've never done a study like that, no.
Q. Have you ever read a study about that.
A. I have not.
Q. Have you done any research in the area of false lawsuits being filed against celebrities.
A. That's not my area of research.
Q. Okay. Now, you made some comments about the percentage of actual abusers being in a relationship of familiarity with the person abused, right.
A. Yes, I think I used the word "acquaintance."
Q. Okay. And I believe you said that you thought the -- certainly the high percentage of abusers in situations where there's actual abuse have a familial relationship with the victim, right.
A. An "acquaintance" relationship was the word that I used, yes.
Q. And when you say "acquaintance," what do you mean.
A. Somebody who has some ongoing relationship, who the child knows. It could be lots of different people. It can be a father, brother, uncle. Guy who lives across the street. Babysitter. You know, it can be lots of different types of people. But it's somebody who is known to the victim and typically has an ongoing relationship with them.
Q. When you say "ongoing relationship," what do you mean. 2954

A. At least once, twice, three times. I mean, I think if you are the -- if the perpetrator's the guy who lives across the street, that would suggest somebody who is seen by the victim on a regular basis. If the person -- if the perpetrator is somebody who lives in the house or is the babysitter, I mean, seen multiple incidents or have multiple times of interaction.
Q. And correct me if I'm wrong on this, but it's sort of assumed that the alleged perpetrator who has an ongoing relationship with the alleged victim wants a relationship with that alleged victim, true.
A. I mean, I'm pondering this issue of "alleged." If you get rid of that --
Q. I won't.
A. That's where I get a little hung up on your question.
Let's just go hypothetical. All right.
THE COURT: Wait. Let's just take a break.
MR. MESEREAU: Okay. All right. Okay.
(Recess taken.)
THE COURT: Go ahead, Counsel.
MR. MESEREAU: Thank you, Your Honor.
Q. Just to wrap things up -- oops. Just to wrap things up, a couple of more questions: When you talk about familiarity between the person accused of improperly touching a child and the 2955

child, are you referring to typically an ongoing relationship between the two.
A. I think that's what I characterized when I said "acquaintance," yes.
Q. And by "acquaintance," you mean a relationship where it appears that the two parties are actively involved with one another at some level.
A. Well, without getting all that complicated about it --
Q. Sure.
A. -- it's when the perpetrator and the victim know each other, and, you know, the opposite would be a stranger.
And so that's really what I'm trying to characterize is, most of the time the perpetrator and the victim know each other. And I don't know if that's simpler or any more clear or less clear, but that's what I was trying to characterize. That's what the research shows with regard to sexual abuse.
Q. If you uncover evidence that the person accused is trying to disassociate him or herself from the alleged victim, that would not be consistent with what you're talking about, right.
A. Well, again, we got -- I'll get stuck on your word "alleged." The Child Sex Abuse Accommodation Syndrome talks about what commonly occurs between a victim in the act of being sexually 2956

abused, and so it makes as its presumption that the child has been sexually abused. So the word "alleged" is difficult in that situation.
Q. Well, if, hypothetically speaking, you have a situation where you learn that someone has been very generous to a family in need, took that family into his home, was told the child was dying, gave them all kinds of benefits to help them with this very difficult situation, was told the family was impoverished, and at some point there's evidence that the person now decides, "They're taking advantage of me. I really want to disassociate myself from them. They're causing all kinds of problems. They're referring to me as the 'daddy' to everybody when I can't be their daddy," and you see evidence in the hypothetical that person is trying to sort of gradually get away from them, it's unlikely a molestation is going to occur at that point, isn't it.
A. It's not my place to make a determination about whether a molestation occurred or not.
MR. MESEREAU: Okay. Thank you.

REDIRECT EXAMINATION
BY MR. ZONEN:
Q. Doctor, the example that Mr. Mesereau just gave you of a person attempting to disassociate with a victim, if the same person was, in fact, plying 2957

that child with alcohol and pornography, is that consistent with grooming that child for purposes of molestation.
A. The prospect of giving alcohol, exposing children or the victim to pornographic material, is completely consistent with the notion of grooming. That phrase, “grooming,” has specific meaning in the field, but it’s consistent with the notion of grooming.
MR. MESEREAU: Object to the question. Move to strike, violates the Court’s order.
MR. ZONEN: I believe that it was opened up by the preceding question by counsel, behavior of the suspect.
MR. MESEREAU: The Court has ordered not to use the word “pornography,” and Mr. Zonen knows that.
MR. ZONEN: If I did use that word, I don’t recall. I’m sorry.
THE COURT: I haven’t forbidden anyone to use the word “pornography.” The use of the word “pornography” as applying to the materials being introduced is forbidden, because that’s going to be a jury question for how they characterize that evidence.
But as long as you’re not -- as you’re using “pornography,” that it doesn’t relate to the evidence in this case, you can use that. It was 2958

used earlier in the hearing. But since you have a hard time distinguishing that, maybe you should use "adult material" all the time.
MR. ZONEN: I will.
Is that the extent of the objection.
MR. MESEREAU: It is.
MR. ZONEN: Then I'm prepared to proceed.
THE COURT: All right.
Q. BY MR. ZONEN: Doctor, a person who makes available to a child, virtually 24-hours a day, every form of entertainment, from video games to all manner of other games, to no restrictions whatsoever, is that something that could be considered grooming for purposes of making a child susceptible to sexual abuse.
A. Certainly. I mean, grooming is -- and I made reference earlier to this pattern of increasing sexuality in the relationship. It desensitizes the child.
Grooming, I think, is a broader scope issue, because grooming really involves the prospect where a perpetrator provides a lot of desirable things to a child, and those can be the special attention, making best buddies, you know, sharing a lot of things.
It can also be sharing a lot of material things, the coolest Nintendo games, the most interesting bikes or nicest car, whatever. It can 2959

be a lot of things that essentially pair the perpetrator with good, fun, enjoyable times. And once that is established, then is when the sexuality starts to become a part of that relationship. And again, as I say, that's part of the grooming. The increased sexuality makes it more accessible for the child to respond positively or favorably to the sexual approaches of the perpetrator.
Now, the statement that you made is within the realm of grooming behavior.
Q. How about encouraging a child to share not just a bedroom with the suspect, but sharing a bed with the person as well. Would that be considered grooming.
A. Certainly. That would be --
MR. MESEREAU: Beyond the scope, Your Honor.
THE COURT: Sustained.
Q. BY MR. ZONEN: Doctor, in circumstances where children have difficulty relating -- or relaying with some degree of accuracy events, tell us, what is the difficulty associated with children talking about when things occur, or how frequently things occur.
A. Well, when things occur, is kids don't run their lives with watches and calendars like adults do. So they may make mistakes about whether it happened the day before, the day after, the 13th or 2960

the 14th. I mean, those types of things. They make mistakes like this fairly commonly, not just within the context of the sexual abuse. But kids do that.
So there's the "when." And I forget what the other part of your question was.
Q. When or how frequently.
A. The "how frequently" is, if something happens just once, usually this issue of frequency is not hard to determine. If it happens twice or three times, it's not hard to determine.
If it happens more than that, then it's easy to not be clear about whether something happened on the first time -- well, actually the fourth time or the sixth time. Because those things -- the specific events related to each of those incidents may run together.
With regard to sexual abuse, if oral copulation occurred on the fourth time and the sixth, but not the fifth time, that would be the mistake, the child would say, "Well, maybe it happened on the fourth and fifth time." They may not be completely accurate in being able to be reliable in describing those types of details.
Q. Doctor, are you familiar at all with any studies that have been written that deal with the issue of false allegations of child sexual abuse for purposes of financial gain.
MR. MESEREAU: Objection; asked and 2961

answered.
MR. ZONEN: Not by me.
THE COURT: Overruled.
You may answer.
THE WITNESS: I'm not familiar with any
studies related to that.
Q. BY MR. ZONEN: None that you've read or none
that you haven't read; in other words, studies that
you're aware of their existence but haven't read.
A. I try to keep fairly current with the
literature on all aspects of -- most aspects of
sexual abuse. And particularly with issues of false
allegations.
And there are, in fact, several studies
about false allegations, but I'm not familiar with
any study, either that I've read or just generally
aware of, where the purpose of the false allegation
was financial gain.
Q. Can I assume that over the past 20-plus
years that you've been dealing with this subject,
child sexual abuse, have there been any cases that
you have had personal contact with where there were
allegations of sexual impropriety for purposes of
financial gain.
A. I've never encountered a case like that.
Q. Doctor, of all the cases that you have dealt
with on a personal level, not research, but on a
personal level, have you had a number of cases where 

you were later able to determine were false allegations.
A. If the number is two, yes. I've had two cases where there was a determination that the allegation was false.
Q. That's over 20 years with more than what, a thousand cases.
A. Well, I started doing therapy with kids in 1983, so since that time. I've had two cases in which there was a determination that the allegation that the child made was false.
MR. ZONEN: Thank you. I have no further questions.
THE COURT: Counsel.

RECROSS-EXAMINATION
BY MR. MESEREAU:
Q. In the cases where the false allegations were made, were you the one determining that the child made a false allegation of sexual abuse.
A. In one of them. It wasn't -- I wasn't making the determination. It was an incident where a child made an allegation that he was sexually abused by his father in a fast food restaurant. I don't remember what kind of fast food restaurant. And the father had -- it was a custody dispute between the mother and the father. And the father had videotaped the entire duration of the 2963

visit, and the mother was there through most of it. And he videotaped driving in, the beginning to the end. So it captured the whole interaction of him and his child in the visit.
And I watched that videotape. And the child said he was molested, and I never saw anything related to that. So that was one.
The other one I didn't make that determination. It was a child who was on a locked psychiatric unit, made an allegation of abuse of a staff person on a particular day. And that staff person was not working on that day and wasn't physically there. So it was impossible for him to have been sexually abused by that staff person.
Q. Now, you're not telling the jury that a parent cannot manipulate children to make false statements for financial gain, are you.
A. No, that was related to the questions that you asked me earlier. I mean, I can't make that statement.
Q. In any of your work as a clinical psychologist, have you ever done any investigation or study of situations where parents have schooled children to steal or lie.
A. Have schooled children to steal or lie.
Q. Yes.
A. So they coached them, trained them to steal or lie. 2964

Q. Yes.
A. Not that I'm aware.
Q. It's not your field, is it.
A. I've -- I'm not aware of any research studies. I have not done any research studying on stealing and lying, at least directly. And I'm not aware of any cases in which a parent had coached their child to steal or lie.
Q. You can go back to the novel Oliver Twist to see examples of situations where an adult --
MR. ZONEN: I'll object as exceeding the scope of the redirect.
THE COURT: The sounds like an argumentative question to me.
MR. ZONEN: I'll object in that way as well.
MR. MESEREAU: Okay. Okay. Okay.
Q. In any of these cases of false allegations of child sexual abuse, was the target a world-famous celebrity perceived as being very wealthy.
A. I've never been involved in a case like that, nor read research related to that.
MR. MESEREAU: Thank you.
MR. ZONEN: No further questions.
THE COURT: All right. Thank you, Counsel. You may step down.
THE WITNESS: Thank you.
THE COURT: Call your next witness.
MR. AUCHINCLOSS: Lauren Wallace. 2965

THE COURT: While that witness is coming in, let me remind you that tomorrow afternoon we won't be in session from 11:30. We'll release you at 11:30.

And Monday morning, we're going to have you come in later than normal because we're going to have some oral argument on some issues. I'll wait till later in the week to tell you exactly what time, because I need to talk to the attorneys about how long the argument's going to take. But you won't be coming in at 8:30. It will be 10:30 or 11:30.

And then Thursday, the 31st, which is a week from this coming Thursday, is a court holiday, so we won't be in session on that court holiday.

All right. Is the witness here now.

MR. AUCHINCLOSS: Yes.

THE COURT: Come forward.

When you get to the witness stand, please remain standing. Face the clerk and raise your right hand.

LAUREN WALLACE

Having been sworn, testified as follows:

THE WITNESS: I swear.

THE CLERK: Please be seated. State and spell your name for the record. 2966

THE WITNESS: My name is Lauren Wallace,
L-a-u-r-e-n, W-a-l-l-a-c-e.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good afternoon, Miss Wallace.
A. Hi.
Q. Who is your employer, please.
A. I'm currently self-employed at this time.
THE BAILIFF: She's got to speak up.
Q. BY MR. AUCHINCLOSS: One thing we're going to have you do is speak into that microphone. We've had a little problem with people hearing.
A. Okay.
Q. Okay.
A. Can you hear me now.
Q. Yes.
A. Okay.
Q. You're currently self-employed.
A. Yes.
Q. At some time in the past, did you work for a company called Xtra Jet.
A. Yes.
Q. What did you do for Extra Jet.
A. I was the lead flight attendant for Xtra Jet.
Q. And when did your employment cease for Xtra 2967

Jet.
A. July 3rd, 2004.
THE BAILIFF: She still needs to scoot up.
MR. AUCHINCLOSS: Okay. They're still
asking us to have you get closer to the microphone.
THE BAILIFF: Is your microphone on.
MR. AUCHINCLOSS: Mine is on.
Q. What is Xtra Jet.
A. Xtra Jet is a charter airline company.
Q. And who does Xtra Jet seek as clientele for
their services.
A. Basically anyone who can -- who would like
their services rendered. They specify particularly
towards celebrities and sports figures.
Q. How many planes does Xtra Jet fly, or did
Xtra Jet fly during the period, say, 2003, 2004,
when you worked for them.
A. They had approximately four different
aircraft, two of which were Gulfstreams.
Q. You said you quit working for Xtra Jet in
June of '04. How long did you work for Xtra Jet.
A. I worked for them approximately two and a
half years.
Q. And you said you were chief cabin hostess,
is that correct.
A. Yes, chief flight -- lead flight attendant.
Q. Could you describe to me what your duties
were as a chief flight attendant for Xtra Jet. 2968

A. My duties entailed ensuring that all the aircraft were up to specifications in regards to emergency equipment, safety equipment; all the dishes and linens and china and crystal and everything on board for -- in preparation for a First Class flight; as well as finding and staffing the right flight attendants for each aircraft.
Q. So you'd supervise other flight attendants.
A. Yes.
Q. And how many other flight attendants did you supervise. Again, we'll go to the time frame, 2003, 2004.
A. Two other flight attendants other than myself.
Q. Okay. And what were their names.
A. One was -- one's name was Cindy, and the other girl's name was Jamie.
Q. Jamie.
A. Yes.
Q. Okay. And Cindy's last name, was that Bell. Cindy Bell.
A. Yes.
Q. Okay. Have you had any background or training as a flight attendant before the time you went to work for Xtra Jet.
A. Yes, I did.
Q. And can you tell us a little bit about that.
A. Training entailed a five-day training course 2969

1 in in-corporate aviation. I also had FAA Part 121
2 training with a different company. And
3 approximately six months of experience prior to
4 coming to Xtra Jet.
5 Q. As far as supervising the other flight
6 attendants, what would that involve.
7 A. I basically ensured that their service
8 was -- was better than average; that it was -- they
9 had better than a First Class service; and that they
10 knew what to do in case there was an emergency.
11 Q. Can you tell me who your immediate boss or
12 supervisor was in that same time period. And I'm
13 going to stick with the 2003, 2004 time period.
14 A. Yes, Jim Duggan.
15 Q. And you mentioned the number of jets. What
16 are the capacities, different capacities of these
17 jets that Xtra Jet owns.
18 A. They carried approximately 12 people.
19 Q. What kind of configurations in terms of the
20 layout of the floor plan in the jet.
21 A. They had club seating in them. Sometimes
22 they had seating at tables. Normally there will be
23 two seats immediately upon walking in; one to the
24 left, one to the right. Another one facing that --
25 those seats. Then may be a table of four. And then
26 maybe a sofa for three. And then two more
27 seating -- seats facing each other, approximately.
28 Q. Are any of these jets capable of 2970

coast-to-coast flight, from, say, California to
Miami.
A. Yes.
Q. All of them or just a few of them.
A. Gulfstreams, yes. The other Lear jets I
really don't know.
Q. Can you give me a brief synopsis of the day
in the life of a flight attendant for a private
charter jet such as a Gulfstream on a coast-to-coast
flight.
A. First of all, you need to be there two hours
ahead of time. And then you need to arrive with all
of your catering, the food and everything that the
clients requested. In addition to that, all the --
the food for the pilots as well.
You need to make sure the aircraft is clean
and that everything is functional in the aircraft.
The entertainment system, the drains, the toilet,
everything.
And then you wait for the passengers -- or
you prepare for the passengers, whatever you think
they might want. Coffee, soda pop. And then you
wait for the passengers and you greet the
passengers. You take off.
Q. And then how long does the flight take
from -- again, we'll use California to Miami as an
example.
A. Five to five and a half hours. 2971

Q. And over that five to five and a half hours,
what are your duties.
A. My duties are, first, to ensure that the
passengers are all safe, and should we need to
emergency-evacuate, that we're able to do that.
Secondly, it is to cater to the passengers
and that they get their food and their beverages,
and that they're comfortable and happy.
Q. You mentioned that Xtra Jet -- among the
clients that Xtra Jet works with are celebrities.
A. Yes.
Q. Have you personally worked on flights
provided by Xtra Jet to Michael Jackson.
A. Yes, I have.
Q. And is the individual Michael Jackson in
court today.
A. Yes.
Q. Could you identify him for the record,
please. Just identify him by pointing, if you
would, please.
A. Okay. Mr. Jackson.
MR. AUCHINCLOSS: If the record could
reflect the defendant was identified.
THE COURT: All right.
Q. BY MR. AUCHINCLOSS: How many total flights
have you flown with Mr. Jackson on them in which you
were the flight attendant.
A. Between 15 and 25. 2972

Q. And were you also the preparation hostess on those flights, the person who prepared the plane for Mr. Jackson.
A. Yes.
Q. Can you tell me, when was the last time that you flew on a flight with him, or worked on a flight with Mr. Jackson.
A. I believe that last flight was November -- around the end of November. November, I think, 22nd, 2003.
Q. All right. And can you characterize for us your relationship with Mr. Jackson based on those 11-odd flights.
A. It was professional, but on a very friendly basis.
Q. During a five-hour flight, would you serve cocktails if that was requested.
A. Certainly.
Q. Okay. And soft drinks.
A. Yes.
Q. What about meals.
A. Yes.
Q. Snacks, this type of thing.
A. Yes.
Q. What other services would you provide, other than food and beverage.
A. I would ensure that the passengers were warm. I would ensure that the passengers knew if 2973

there was going to be turbulence, or if we had to wait to take off. I would give them their jackets, take their shoes away if they requested.
Q. Did you ever work any flights with a family that you -- by the name of Arvizo.
A. I don't believe so, no.
Q. Okay. Are you aware of other flight attendants at Xtra Jet who did work flights involving Mr. Jackson.
A. Yes.
Q. Okay. Who would that be.
A. I know of the two from Xtra Jet, Cindy Bell and Jamie Crow, both.
Q. Both worked with Mr. Jackson.
A. That were employees of Xtra Jet.
Q. So other than food and beverage and helping out with the requests of the passengers, would that pretty much compromise -- comprise your duties, and making sure the safety of the passengers is paramount. Would that pretty much take care of your duties as a flight attendant.
A. That and cleaning, yes.
Q. Okay. How busy would you be during a five- to five-and-a-half-hour flight coast to coast, typically.
A. Depending on the number of passengers, I would not be busy at all, or I would be very busy throughout the entire flight. 2974

Q. And assume that the -- you have a full passenger list on one of the Gulfstreams. How busy would you be during that five-hour flight. I guess my question would be, would you get any downtime during that five-and-a-half-hour flight with a full passenger list on a Gulfstream.
A. It would be safe to say that I would have minimal downtime.
Q. Regarding Mr. Jackson's -- the preparation of Mr. Jackson's plane, would he have any special requests.
A. He had special catering orders.
Q. Okay.
A. That is standard with every flight.
Q. And describe what that would be for me, if you could.
A. His precise orders or --
Q. Yes.
A. Or an example of --
Q. How would he like the plane prepared before take-off.
A. Well, as far as having the plane itself prepared --
Q. No, I mean special requests. Any things -- items that he wanted on the plane. Beverages, food, this type of thing.
A. His normal catering request was -- and it may not have been his. It may have been one of his 2975

children's or nannies or something. But my trip sheet always had like Kentucky Fried Chicken, and Subway sandwiches some of the time, and sometimes chicken breast with rice pilaf.
Q. Okay. Concerning -- would Mr. Jackson have any special requests regarding alcohol.
A. It was never written on a trip sheet.
Q. Okay. But did you become aware of a special request that he desired when he flew on Xtra Jet regarding alcohol.
A. Yes.
Q. How did you become aware of that.
A. Through another flight attendant.
Q. And who was that.
A. Miss Bell.
Q. And during the flights that you flew with Mr. Jackson, what -- how did you handle -- well, let me back up, first of all, and ask you a foundational question.
Did Mr. Jackson drink alcohol on those flights that you flew with him, the 11 flights.
A. Yes.
Q. All of them.
A. Not all of them, no.
Q. Okay. Can you characterize how many of them he drank alcohol on.
A. Nine or ten.
Q. Can you characterize the amount of 2976

consumption of alcohol that he would drink on a given flight.
MR. MESEREAU: Objection; vague.
Q. BY MR. AUCHINCLOSS: How about -- I can tighten that up.
Can you characterize how much alcohol he would drink on a typical coast-to-coast flight.
A. It was different from what I witnessed.
Q. From what to what.
A. Sometimes maybe it was a little bit of wine. And other times it was maybe three six ounces of wine, and then a glass or two of tequila or Tangueray gin. But it -- it wasn't like I looked and said, "That's exactly seven ounces," or anything.
Q. Okay. I'm just asking for your general recollections.
You said a glass or two of Tangueray or tequila. Would he drink out of a glass.
A. Yes, he would.
Q. Would he ever drink wine out of anything other than a glass.
A. Yes.
Q. What would he drink out of.
A. A Diet Coke can.
Q. Did you prepare those cans for him.
A. Yes, I did.
Q. Okay. Tell me about that. How did that 2977

come about that you would put wine in a Diet Coke can.
A. Miss Bell had informed me that that is something that he did. And so when I initially flew Mr. Jackson, I had emptied out three Diet Coke cans and filled them up halfway with white wine, kept them on ice for him, and had them available for him upon boarding.
Q. Did you serve him wine in a Diet Coke can.
A. Yes. I placed them there for him.
Q. Did he drink it.
A. Yes. Maybe not all of it sometimes.
Q. Would he ever have a mixed drink in a Diet Coke can, such as tequila or Tangueray.
A. Not that I'm aware of, no.
Q. And when you prepared a flight for Mr. Jackson, how often would you prepare these cans with wine in them. You said you did about three.
A. I would make three up, approximately three. And if there was more people in the party, I would make up more than that.
Q. Would other people drink wine out of the Coke cans.
A. Sometimes, yes.
Q. Do you have any specific recollections of someone else drinking wine out of a Coke can other than Mr. Jackson.
A. I believe -- I don't know his name, but I 2978

think he was his cousin or something. I think he was a family member.
Q. A what.
A. I believe he was a family member of Mr. Jackson's.
Q. You don't recall his name.
A. No.
Q. Do you recall what he looked like, this individual.
A. He was an attractive younger gentleman. Brown, wavy hair, very full. Dark olive complexion.
Q. Do you know -- can you approximate his age.
A. 22.
Q. When was this flight; do you remember.
A. It must have been around October of 2003.
Q. Miss Wallace, did you ever hide alcohol on any of these flights for Mr. Jackson.
A. Yes, I did.
Q. What did you hide. What alcohol did you hide for Mr. Jackson.
A. I hid little bottles of Tangueray and tequila, and maybe vodka.
Q. And what are we talking about, the small airplane-type bottles.
A. Yes.
Q. Is that --
A. Those are called minis.
Q. Minis. Okay. And where would you hide 2979

those bottles.
A. It depended. Usually in the lav above children's reach. The lav is the lavatory and the bathroom of the airplane.
Q. And how would Mr. Jackson become aware of the location of the bottles.
A. I would inform him. Initially I informed him. But after a while, upon flying the same aircraft, I figured that maybe he would know they were there for his disposal.
Q. You said, "Usually in the lav." Where else would you hide bottles.
A. I know once I carried one in my jacket pocket, but he never got it.
Q. Okay.
A. He never knew it was there. It wasn't for him to really get. I was just going to give it to him, but I never got the opportunity.
Q. And did he ever drink those bottles. Did you ever find evidence that he had ever drunk any of those bottles.
A. Once or twice. Only one or two bottles. It was very rare.
Q. How many occasions -- how many of the flights that you flew on with him did you hide these bottles.
A. Out of the -- let's see, 20 -- 20 flights we did, they were there maybe 15, 15 of the flights. 2980

Q. All right. 15 times.
A. Yeah.
MR. AUCHINCLOSS: Okay. Thank you. No further questions.
THE COURT: Mr. Mesereau.
MR. MESEREAU: Thank you, Your Honor.

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Good afternoon.
A. Good afternoon.
Q. You were interviewed by the Santa Barbara Sheriffs about this case, right.
A. Yes, I was.
Q. Do you know how many times you were interviewed by them.
A. Once.
Q. Okay. And your understanding was that Mr. Jackson did not want children seeing him drink alcohol, right.
A. Yes.
Q. And it was your understanding that he wanted wine placed in cans because he didn't want children to see him drinking that wine, right.
MR. AUCHINCLOSS: I'll object. Foundation; hearsay.
THE COURT: Foundation; sustained.
Q. BY MR. MESEREAU: Did you have an 2981

1 understanding as to why Michael Jackson wanted white
2 wine placed in cans on the flights.
3 MR. AUCHINCLOSS: Same objection.
4 THE COURT: Overruled.
5 You can answer that “yes” or “no.”
6 THE WITNESS: Yes.
7 Q. BY MR. MESEREAU: Would you please tell the
8 jury what your understanding was as to why you were
9 putting white wine in cans on the flights.
10 MR. AUCHINCLOSS: Same objection.
11 THE COURT: Sustained; foundation.
12 Q. BY MR. MESEREAU: Did someone ever tell you
13 that Mr. Jackson wanted wine placed in soda cans
14 because he didn’t want children to see it.
15 MR. AUCHINCLOSS: Objection. Same
16 objection.
17 THE COURT: Sustained.
18 Q. BY MR. MESEREAU: Why did you hide those
19 little bottles of alcohol so children couldn’t get
20 to them.
21 A. I wanted to make sure that -- that Mr.
22 Jackson and whomever he decided to inform that there
23 was additional alcohol for grown-ups to drink, that
24 they could at their own disposal in secrecy.
25 Q. And why did you put white wine in soda cans
26 when Mr. Jackson flew on the flights.
27 MR. AUCHINCLOSS: Same objection as before,
28 Your Honor. 2982

THE COURT: No, it's not -- she's already testified that the other flight attendant told her to under direct, so I'll allow the question. I don't think it's the same question.
I'm going to have it reread so you know what the question is.
Go ahead, reread it.
(Record read.)
MR. AUCHINCLOSS: I'll object as foundation.
THE COURT: Okay. I'll -- go ahead and lay the foundation.
Q. BY MR. MESEREAU: You testified in response to the government prosecutor's questions that you had talked to Cindy Bell, right.
A. Yes.
Q. And Cindy Bell also worked with you with Xtra Jet, right.
A. Yes.
Q. And Cindy Bell would often work with you on plane flights where Mr. Jackson was a passenger, right.
A. We never worked together, but she was on one flight with him and I was on the others so --
Q. And you discussed with Cindy Bell why Mr. Jackson wanted wine placed in cans, correct.
A. Yes.
Q. And you did indicate in response to the prosecutor's questions that because of what 2983

Ms. Bell said to you, you would put wine in cans, right.
A. Yes.
Q. And Ms. Bell told you in that regard, he didn't want children to see him drinking, right.
MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Sustained; hearsay.
Q. BY MR. MESEREAU: What did Miss Bell tell you in that regard.
MR. AUCHINCLOSS: Same objection.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you remember telling the Santa Barbara Sheriffs in your interview that Mr. Jackson didn't want children to see him drinking at all.
MR. AUCHINCLOSS: Objection, Your Honor.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you know of your own personal knowledge why Mr. Jackson wanted wine placed in cans on these flights.
A. Yes, I do.
Q. And what do you know.
MR. AUCHINCLOSS: Your Honor, objection.
THE COURT: Calls for hearsay. Sustained.
MR. MESEREAU: Okay.
Q. Do you remember telling the Santa Barbara Sheriffs that you had never observed children intoxicated on flights when Mr. Jackson was a 2984

passenger.
MR. AUCHINCLOSS: Objection, beyond the scope.
THE COURT: Overruled.
You may answer. Do you know the question.
THE WITNESS: I never saw intoxicated children on Mr. Jackson's flights.
Q. BY MR. MESEREAU: Okay. And was it your understanding that Mr. Jackson wanted wine placed in cans because he tends to get nervous on flights.
A. Yes.
Q. And, Ms. Wallace, are you familiar with what is called a "Passenger Profile" for people who fly on Xtra Jet flights.
A. I am aware of this, yes.
Q. Would you please tell the jury what a Passenger Profile is.
A. A Passenger Profile is a profile based on each passenger with their likes and dislikes, their friends' dislikes -- likes and dislikes, and family's likes and dislikes.
And they're notes basically so that if another flight attendant or another person should work with that particular client, that they're aware of allergies or preferences.
Q. And Mr. Jackson had given the Xtra Jet company some information to put in his Passenger Profile, right. 2985

A. He did not give Xtra Jet any information.
It's -- it's information that was gathered.
Q. Well, didn't Mr. Jackson's Passenger Profile
say that white wine in Diet Coke cans is to be
prepared for every flight.
A. His profile could have said that.
Q. Would it refresh your recollection if I just
show it to you.
A. Yes, it would.
MR. MESEREAU: May I approach, Your Honor.
THE COURT: Yes.
MR. MESEREAU: Thank you.
THE WITNESS: Uh-huh. Thank you.
Q. BY MR. MESEREAU: Miss Wallace, have you had
a chance to review that Passenger Profile on Michael
Jackson that was prepared by Xtra Jet.
A. Yes.
Q. Does it refresh your recollection about
whether or not in Mr. Jackson's Passenger Profile it
was specified that white wine in Diet Coke cans are
to be ready for every flight.
A. Yes.
Q. Okay. Had you actually been shown that at
some point.
A. I wrote it.
Q. Oh, you wrote it, okay. Okay.
All right. So you're the one that wrote
down "Kentucky Fried Chicken" for all these meals, 2986

right.
A. Everybody has different likes.
Q. Okay. You had “Kentucky Fried Chicken” for breakfast, lunch and dinner, right.
A. Yeah. It’s good.
Q. Now, did you do the passenger profiles for Mr. Jackson’s children as well.
A. Yes, I did.
Q. And you wrote down “Paris loves to bake cookies and will try to eat the sugar.” Is that what you wrote.
A. Yes, I did.
Q. Did you know his children very well.
A. I know them, but I don’t think I know them very well.
Q. Did you often see them on flights with him.
A. Yes, I would.
Q. Okay. In fact, they -- most of the flights he took with Xtra Jet, they would be with him, right.
A. Certainly, yes.
Q. Okay. Now, Mr. Auchincloss, the prosecutor, asked you about miniature bottles of alcohol that you would have on the plane for Mr. Jackson, right.
A. Yes.
Q. And do you know why Mr. Jackson wanted to have those miniature bottles on the plane.
A. Mr. Jackson never asked for the miniature 2987

bottles to be on the aircraft.
Q. Okay. Well, you brought those miniature bottles on the aircraft for a reason, didn't you.
A. I brought them to better my service rendered to Mr. Jackson.
Q. Do you remember testifying before the Santa Barbara Grand Jury about this.
A. Yes.
Q. And do you remember telling the Santa Barbara Grand Jury, "I knew that Mr. Jackson did not like to drink alcohol in front of his children, so I would bring in a little miniature baggy full of little miniature bottles of Tangueray gin and tequila". Do you remember saying that.
A. Yes.
Q. And you said, "I would put them away, hide them away in the lavatory, and I would sometimes inform him that they were there for his own disposal." Do you remember saying that.
A. Yes.
Q. Okay. When did you first meet Mr. Jackson.
A. I believe I initially met him, it must have been around October of -- maybe it was more like March of 2003.
Q. And when did you last see him.
A. Around the end of November of 2003.
Q. And did you ever meet a physician of Mr. Jackson on any of those flights. 2988

A. No. Not that I know of, no.
Q. You don't recall that. Okay. Do you recall seeing other people with Mr. Jackson typically on these flights.
A. Yes.
Q. Nannies, for example.
A. Yes.
Q. Okay. When you saw his children, would you usually see nannies with them on these flights.
A. Yes.
Q. And other members of -- excuse me. Other members of his family would fly with him from time to time, right.
A. Yes.
Q. And approximately how many seats did an Xtra Jet plane have for one of these types of flights, if you know.
A. Usually -- 12. 12 or 13. One plane at that time carried 13.
Q. And when Mr. Jackson would fly on these flights, would all the seats typically be full, if you remember.
A. Six out of ten times the seats would be full. Sometimes there would be one or two, the empty seats.
Q. Did he often have security people with him.
A. Yes, he did.
Q. Did you ever see Mr. Jackson dozing off on 2989

any of these flights.
A. Sleeping, yes, I would.
Q. Okay. Did he often do that.
A. Half the time, yes.
Q. Okay.
A. Maybe seven out of ten times.
Q. Now, you have to get on a plane tomorrow morning, don't you.
A. Yes, I do. It's private. It's a personal trip, so it's not a work trip.
Q. Well, no further questions, then. Thank you.
THE COURT: Anything further.
MR. AUCHINCLOSS: Just a couple of questions, Your Honor.

REDIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. How often would Mr. Jackson fly without his children percentagewise in terms of the flights that you were with him.
A. There may have been four or five trips that he didn't have his children with him.
Q. Did he drink white wine out of Coke cans during those flights as well.
A. Yes.
Q. Did you hide alcohol for him on those flights as well. 2990

A. Yes.
Q. Did he ever drink any of it, if you recall.
A. Out of the --
Q. Of the hidden alcohol.
A. I noticed two or three of the little bottles
empty and that was it.
Q. Was it on one of the flights with -- when
the children were present, or when they weren't, if
you recall.
A. I don't recall.
Q. You said he drank mixed drinks out of a
glass. Was that his normal routine.
A. Towards the end of the flight, he would --
if he was going to get into the tequila, or whatever
it was, he normally would get a glass, or I would
have a glass for him and make it up. But it wasn't
every flight. It was pretty rare.
Q. Okay. Could his kids see him drinking at
that point, if you were fixing a mixed drink for
him.
A. They could if they were looking. But we
were very discreet about it. He was very discreet.
Q. Do you know an individual by the name of
Dieter Weizner.
A. Yes.
Q. Has he ever flown on Mr. Jackson's flights.
A. Yes.
Q. How often. 2991

A. Maybe three --
MR. MESEREAU: This is beyond the scope.
MR. AUCHINCLOSS: He asked questions about who was on these flights.
THE COURT: All right. Overruled.
BY MR. AUCHINCLOSS:
Q. You may answer.
A. Maybe three out of ten times.
Q. What about Ronald Konitzer.
A. I don't recall the name.
Q. How about an individual by the name of Marc Schaffel.
A. I am familiar with Mr. Schaffel.
Q. How many flights was Mr. Schaffel on with Mr. Jackson.
A. Maybe four out of ten.
Q. And this would all be in the 2003, 2004 time frame, or earlier. You tell me.
A. My initial flight with Mr. Jackson, I know that Mr. Schaffel was on board. And, yes, it was in the 2003 -- Mr. Schaffel flew with Mr. Jackson towards the beginning of our flights. And towards the end, I didn't see him as often.
Q. All right. Thank you. No further questions.
MR. MESEREAU: No further questions, Your Honor.
THE COURT: All right. Thank you. You may 2992

step down.
THE WITNESS: Thank you.
THE COURT: Call your next witness.
THE BAILIFF: Should be right outside.
MR. AUCHINCLOSS: Call Louise Palanker.
THE COURT: Come to the front of the
courtroom, please.
When you get to the witness stand, please
remain standing. Face the clerk here, raise your
right hand.
THE WITNESS: Hi.

LOUISE PALANKER
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and
spell your name for the record.
THE WITNESS: My name is Louise Palanker.
L-o-u-i-s-e, P-a-l-a-n-k-e-r.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good afternoon, Miss Palanker.
A. Hi. How are you.
Q. I’m just fine. How are you.
A. Good. 2993

Q. What is your profession, please.
A. I'm a comedian, writer, producer, teacher.
Q. All right. And how long have you been so employed.
A. About 20 years.
Q. Have you had any association over your 20 years as a comedian with The Laugh Factory.
A. Yes, I have.
Q. Tell me about that, if you would.
A. I was a comedienne there for a while. And during that time there, I helped Jamie on Saturdays during the summer with comedy camp for underprivileged children.
Q. Okay. You said "Jamie." Would that be Jamie Masada.
A. Yes, Jamie Masada.
Q. What is the comedy camp.
A. For two months during the summer, he has about 25 children come in from underprivileged neighborhoods and learn how to become comedians. And at the end of the summer, in September, they graduate and they perform in front of a live audience at night, at The Laugh Factory.
Q. And how often did the comedy camp meet over that two-month period.
A. Every Saturday for about four to five hours.
Q. Do you still work with the comedy camp.
A. No, I started my own program at two Boys & 2994

Girls Clubs, which I teach stand-up comedy to children all year long.
Q. And when did you switch over from the comedy camp to the Boys & Girls Clubs.
A. Right after the Arvizo summer. I did both for a little while --
Q. All right.
A. -- for a couple of summers afterwards. But I started my own program in 2000, which was the year Gavin got sick.
MR. AUCHINCLOSS: May I approach, Your Honor.
THE COURT: Yes.
Q. BY MR. AUCHINCLOSS: Miss Palanker, I show you People's Exhibit No. 49, a photograph. Can you identify that for me, please.
A. That's Gavin, Davellin, me and Star.
Q. All right. And when was this picture taken.
A. That was the day Fritz came as the guest teacher. And I remember he ran off before they could get their picture with him. And that was outside of Laugh Factory after class.
Q. Okay. So was that during one of the comedy camps.
A. Yes.
Q. And that would have been during one of the regular sessions, or during the end of the -- the graduation ceremony. 2995

A. It was -- I'm feeling like it was the third or fourth Saturday of the summer.
Q. And I don't know if you said it, but did you mention what year that picture was taken.
A. 1999.
Q. Okay.
A. Summer of 1999.
Q. How did you come to meet the Arvizo children.
A. They came to audition. I met them the day they auditioned. And then they were chosen to be enrolled in the program.
Q. So there's a selection process for the program.
A. Yes, there is.
Q. How does that work.
A. Probably three times as many children as Jamie has room for have seen the flyers up at their schools and teachers have recommended talented children. And they all come down to The Laugh Factory over a series of two to three Saturdays. And then Jamie makes a final selection, and those children are called and told that they have been -- that they've been selected. And Jamie -- he never takes one child from a group of siblings. If he takes one, he takes the brothers and sisters.
Q. So what is the criteria for becoming a 2996

member of the laugh camp for the children.
A. I think sometimes he looks for particularly talented children. And sometimes he looks for children that he feels would get something out of the program. For instance, if they're especially withdrawn, he might choose them when you wouldn't think that he would, but he might choose them thinking that they really need it.
Q. Is there any kind of aspect of these children's background that makes them eligible for the laugh camp to begin with.
A. He -- he -- I think he recruits from neighborhoods where the children might not have even a chance to come to that part of town. Or sometimes they haven't even been to Hollywood before.
Q. Okay.
THE COURT: Let's take our afternoon break. See you at 8:30 tomorrow.
(The proceedings adjourned at 2:30 p.m.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE )
OF CALIFORNIA, )
Plaintiff, )
-vs- ) No. 1133603
MICHAEL JOE JACKSON, )
Defendant. )

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 2833 through 2997 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 21, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, March 21, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304